

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO. 945 OF 201
IN
WRIT PETITION NO. 3028 OF 1999

Ashmatbi Babalal Hawaldar ... Petitioner

Vs

Rahimatbi Mohiuddin Mulla ... Respondents

...

Mr. Vishwajeet S. Kapse for Petitioner.
Mr. Rahul Kate for Respondent no. 6 to 9.

...

CORAM : A. K. MENON, J.
DATE : SEPTEMBER 16, 2015.

P.C.

1. This Civil Application is taken out for setting aside abatement caused by the demise of the petitioner and transposition of respondent no.10 as the Petitioner. The petitioner Mr.Rahimatbi Mohiuddin Mulla passed away on 10th August, 2011 copy of death certificate is annexed and marked as "Exhibit "A". The petitioner is original Respondent no.10 and sister of Original petitioner. The relationship between Petitioner and respondent no 10 is explained in the petition para no (1). In para 20 the Original petitioner had also stated that Aminabi Mohiuddin Mulla the wife of mother of the petitioner had already passed away prior to the filing of the petition. In the circumstances it is evident that Respondent no. 10 appears to be the only surviving legal heir of the petitioner.

2. Delay in taking out the Civil Application has also been explained in the Civil Application. The application is verified by the Constituted Attorney of Respondent no. 10. Accordingly, I am satisfied with the explanation provided in the Civil Application and I pass the following order:

- (a) Delay in taking out Civil application condoned. Abatement caused by the demise of the Original petitioner is set aside. Respondent no. 10 shall be transposed as petitioner.
- (b) Amendment to be carried out within a period of 2 weeks from today. Amended copy to be served on the respondent
- (c) Matter to be placed as per CMIS date.

(A. K. MENON, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment / Order.