

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

38 CIVIL APPLICATION NO. 11885 OF 2015
IN SA/182/2009

IBRAHIM KHAN SHUJAT KHAN LRS KHALIDA AND OTHERS
VERSUS
ABDUL WAHAB HAJI ABDUL RAHMAN AND OTHERS

...
Advocate for Applicants : Chavan Sudhir K.
AGP for Respondent 5 : S.J. Salgare
Advocate for Respondent 4 : A.S. Mukhedkar
...

CORAM : T.V. NALAWADE, J.
DATED : 22nd March, 2016.

ORDER :

1. Civil Application No. 11885/2015 is filed for setting aside the abatement of appeal as sole appellant is dead and the application for bringing legal heirs is not filed in time. Delay of 30 days is caused. Heard both the sides.
2. In view of the contents of the application and submissions made, this Court holds that sufficient cause is shown. So, the application is allowed. Delay is condoned. Abatement, if any, is set aside. Permission is granted to the legal heirs to come on record and prosecute the matter. Amendment is to be carried out immediately in the appeal memo. List the appeal for final hearing on 12.4.2016.

[T.V. NALAWADE, J.]

SSC/