

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.191 OF 2016

IN

WRIT PETITION NO.661 OF 2011

Mrs. Najma Sajjad Kanji

.. Applicant

Versus

Mr. Jabbar Goplani and others

.. Respondents

Mr. A. P. Singh i/by M/s. S. S. Srivastav & Co., for the Applicant.

Mr. Chandra Naik, for the Respondent Nos.1 to 8.

CORAM : R.M. SAVANT, J.

DATE : 4th MARCH 2016

PC.

1. The above Civil Application has been filed for bringing the heirs of the Respondent on record and for condonation of delay of 106 days in filing the Application. The reasons for the delay are sought to be explained by averments which are appearing in paragraph 4 of the Application. It is required to be noted that the Petition was admitted and was pending hearing and final disposal. Though the reasons mentioned in paragraph 4 of the Civil Application may not be satisfactory, the fact that the Petition has been admitted and pending hearing and final disposal would have to be borne in mind and the Petitioner therefore is required to be given an opportunity to prosecute the proceedings on merits rather

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than being thrown out on technicalities. The Civil Application is accordingly allowed. Resultantly, the heirs of the Respondent are allowed to be brought on record. Amendment to be carried out within two weeks from date. The Applicant to pay costs of Rs.2000/- in total to the Respondents represented by Mr. Chandra Naik. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]