

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.358 OF 2016 IN
WRIT PETITION NO.2971 OF 1989
(Tarvindersingh Dhillon and Company Vs. Dada Miya Khair Mohd
and others)
WITH CIVIL APPLICATION NO.8496 OF 2017
WITH CIVIL APPLICATION NO.8499 OF 2017
WITH CIVIL APPLICATION NO.8531 OF 2017
WITH CIVIL APPLICATION NO.8492 OF 2017
WITH CIVIL APPLICATION NO.3072 OF 2016
IN WRIT PETITION NO.2971 OF 1989

Mr.A.S.Bajaj, Advocate for the applicants.
Mr.P.G.Deshmukh h/f Mr.Y.P.Deshmukh, Mr.P.R.Katneshwarkar h/f
Mr.Suvidh S.Kulkarni and Mr.Sanket S.Kulkarni, Advocate for the
respondents.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 29/09/2017

PER COURT :

1. In the first civil application, the applicant / company desires to
be arrayed as a respondent in WP No.2971/1989.

2. Upon hearing the learned Advocates for the respective sides
and for the reasons set out in the application, same is allowed. The
petitioner shall array the applicant as a respondent in the writ
petition within 4 (four) weeks from today.

3. Civil application No.3072/2016 is filed by the added

respondent (order dated 29/09/2017) for production of a copy of a sale deed dated 29/02/2016.

4. Upon hearing the learned Advocates and for the reasons set out in the application, the same is allowed. The added respondent shall file the sale deed dated 29/02/2016 alongwith an additional affidavit within 4 (four) weeks from today.

5. In Civil Application No.8492/2017, 8496/2017, 8499/2017 and 8531/2017, the respective applicants pray for condonation of delay for bringing the LR's of deceased Abdul Aziz, Khair Mohd., Qureshi Nawab Qureshi, Dada Miya Khair Mohd. and Mohd. Jamil Ahmed, Noor Mohd. Qureshi, Mohd.Abdul Rashid, all original petitioners, on record. It is further prayed that the delay of about 10 years to 18 years may be condoned.

6. Learned Advocates for the non applicants submit that as the delay is in between 10 years to 18 years, heavy costs be imposed and the amount be donated to the Advocate Associations' Bar Library, High Court, Aurangabad.

7. Considering the above and for the reasons set out in the

applications, the same are allowed. The LR's of deceased petitioner No.4, in which case the delay is of about 33 months, shall deposit costs of Rs.5,000/- with Advocate Associations' Bar Library, High Court, Aurangabad within 4 (four) weeks from today. In so far as the LR's of deceased petitioner Nos.1, 2, 4, 8 and 9 are concerned, they shall deposit costs of Rs.10,000/- per deceased petitioner with the Advocate Associations' Bar Library, High Court, Aurangabad within 4 (four) weeks.

8. In so far as Civil Application No.8492/2017 is concerned, where the applicant Sairabano Baba Qureshi, who claims to be the only daughter of deceased Abdul Aziz, who passed away in 1972, I am inclined to impose costs of Rs.25,000/- as the request to be brought on record as the LR of the deceased Abdul Aziz, is made after 35 years. Learned Advocate for the applicant Sairabano submits on instructions that she is willing to deposit Rs.25,000/-. As such, the said amount of Rs.25,000/- shall be deposited by the applicant Sairabano with Advocate Associations' Bar Library, High Court, Aurangabad within 4 (four) weeks from today.

(Ravindra V.Ghuge, J.)