

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

980 CIVIL APPLICATION NO. 1706 OF 2018  
IN WP/6941/2005 WITH CA/6871/2007 IN WP/6941/2005

SHAIKH KHWAJA SHAIKHJI DIED LRS FAHEMABI SHAIKH KHWAJA  
AND OTHERS  
VERSUS  
SK AZEEM SK CHATTU L.RS. SHAIKH RASHEED SK AZEEM AND  
OTHERS

...  
Advocate for Applicants : Mr. Sangle Shirish G.  
Advocate for Respondent Nos. 1 to 10 : Mr. S.S. Pawar

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**CORAM : V. K. JADHAV, J.**  
**DATED : 23<sup>rd</sup> MARCH, 2018**

**PER COURT:-**

1. Leave to correct the prayer clauses.
2. Heard both sides. Deceased Shaikh Khwaja, original plaintiff had instituted R.C.S. No. 64 of 2002 for possession and mesne profits. During pendency of the suit, deceased Shaikh Khwaja - original plaintiff had filed an application seeking amendment in the plaint, however, the said application came to be rejected by the trial court and aggrieved by the same, deceased Khwaja has preferred present writ petition. During pendency of this writ petition, deceased Khwaja died on 28.02.2011 and his legal heirs were brought on record in the pending suit on 16.7.2011.
3. Learned counsel for the applicants submits that even though the legal heirs were brought on record in the pending suit, inadvertently

those legal heirs were not brought on record in the pending writ petition.

4. Learned counsel for the respondents also admit that in the pending suit the amendment was carried out in the year 2011 itself and the legal heirs of deceased Shaikh Khwaja were brought on record in the pending suit.

5. In view of above, I do not think that there is delay in real sense in filing the present civil application in bringing the legal heirs of deceased Khwaja so far as present writ petition is concerned. In view of above, civil application is allowed in terms of prayer clauses "B" and B-1 and disposed of.

6. It appears that the writ petition is of the year 2005 and because of interim relief granted by this court, further proceedings of R.C.S. No.64 of 2002 are stayed.

7. In view of above, fix the writ petition for final hearing on 12.04.2018.

**( V. K. JADHAV, J.)**

rlj/