

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.10652 OF 2009

**WITH
CIVIL APPLICATION NO.4265 OF 2015**

**WITH
CIVIL APPLICATION NO.4272 OF 2015**

**WITH
CIVIL APPLICATION NO.4273 OF 2015**

**WITH
CIVIL APPLICATION NO.2357 OF 2017**

**IN
SECOND APPEAL NO.1295 OF 2005**

**SANJIDABI ZIYAUDDIN KAZI, DECEASED, THROUGH HER L.RS.
ZIAUDDIN CHIRAGODDIN KAZI AND OTHERS.
-VERSUS-
MOINODDIN ABDUL RAHMAN KAZI AND OTHERS.**

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Advocate for the Applicants : Shri Patil Pradip R..
Advocate for Respondents 22 to 24, 26A to 26C : Shri A.B.Kadethankar.
Advocate for Respondent 27-A : Shri M.R.Sonawane.
Advocate for Respondents 17A to and 27C : Ms.A.N.Ansari.
Advocate for Respondents 18A and 18B : Shri R.R.Mantri.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th January, 2018

Per Court:

1 In the first Civil Application No.10652/2009, the notice to
Respondent No.11-B is said to have been served through Respondent

No.11-A. However, the bailiff report does not indicate that they are living together. As such, issue notice to Respondent No.11-B returnable on 16.02.2018.

2 In the second Civil Application No.4265/2015, the Applicants pray for bringing the legal heirs of the deceased Respondent No.13-A on record. It is also prayed that delay of 41 days be condoned and the abatement order be set aside. As such, issue notice to the legal heirs of the deceased Respondent No.13-A returnable on 16.02.2018.

3 In the third Civil Application No.4272/2015, the Applicants desire to serve Respondent Nos.17B to 17G. Though the bailiff report indicates that they are served through Respondent No.17A, it is not mentioned that all of them are residing together. As such, issue notice to Respondent Nos.17B to 17G returnable on 16.02.2018.

4 In the fourth Civil Application No.4273/2015, the Applicants pray for bringing the legal heirs of the deceased Respondent No.16 on record. Issue notice to the legal heirs of the deceased Respondent No.16 returnable on 16.02.2018.

5 In the fifth Civil Application No.2357/2017, the Applicants pray for final hearing in Second Appeal No.1295/2005. Since the Second Appeal is already on the final hearing board and certain formalities of bringing the legal heirs of some of the deceased Respondents on record are to be completed, this Civil Application No.2357/2017 is disposed of.

6 Insofar as the notices that are issued in the first four Civil Applications, the learned Advocate for the Applicants submits that the said notices shall be published in Marathi daily "Sakal", Ahmednagar Edition.

7 The said request is accepted. The said notices shall be served through paper publication in Marathi daily "Sakal", Ahmednagar Edition, at the costs of the respective Applicants, at least two weeks prior to the returnable date. The copies of newspaper publication shall be placed on record to evidence the service.

8 It is made clear that these notices are being issued to complete the formalities of bringing the legal heirs on record and with an understanding that the said parties would also be appearing in the Second Appeal.

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(RAVINDRA V. GHUGE, J.)