

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

CIVIL APPLICATION NO. 12992 OF 2018
IN WP/2312/1996

CHAMPALAL NEMICHAND JAIN THOROUGH LRS CHANDRABAI
CHAMPALAL JAIN AND OTHERS

VERSUS

KHWAJA BASHIRODDIN MOINODDIN KAZI THROUGH LRS MHWAJA
MUZAMIL KISAR BASHIRODDIN KAZI AND OTHERS.

...

Advocate for the Applicants : Shri M.M.Jadhav h/f Shri Shah Subodh P..
Advocate for Respondent 6 : Shri C.R.Deshpande.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th October, 2018

Per Court:

1 The Applicants claim to be the legal heirs of the sole
Petitioner, who has passed away. Delay of two years and ten months has
been caused. Reasons are set out in extenso in the Civil Application.

2 The learned Advocate for the original Respondent No.6 has
opposed this application. Respondent No.1 in the petition has passed away
and Respondent Nos.2 to 6 are his legal heirs. The remark on the cause
title indicates that Respondent Nos.2 to 5 have been deleted from the
proceedings.

3 For the reasons stated in the Civil Application and considering
the fact that the Applicants are attempting to rescue the writ petition since

the issue involved is as regards the eviction, this Civil Application is allowed. Delay of two years and ten months is condoned by imposing costs of Rs.5000/- (Rupees Five Thousand only). The learned Advocate for Respondent Nos.2 to 6 and who now appears for Respondent No.6 as Respondent Nos.2 to 5 have been deleted, submits that the costs can be donated for the treatment of poor patients.

4 As such, the Applicants shall deposit the costs of Rs.5000/- (Rupees Five Thousand) as donation for the Ghati Hospital, Aurangabad (Government Medical College and Hospital, Aurangabad), to be deposited with the Medical Officer, High Court Dispensary, Aurangabad, either in cash or by Demand Draft, to be drawn in the name of "Dean, Government Medical College and Hospital Dengi Samiti, Aurangabad" and produce a receipt of such deposit before the Registry of this Court on or before 02.11.2018. The Applicants shall simultaneously bring the legal heirs of the deceased Petitioner on record in the writ petition on or before 02.11.2018.

5 If these directions are not complied with, this order shall stand recalled and this Civil Application shall stand rejected without reference to the Court on 03.11.2018.

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

CIVIL APPLICATION NO.12993 OF 2018
IN WP/2312/1996

ZARIFBEGUM TANSIFUDDIN AHMED
VERSUS
CHAMPALAL NEMICHAND JAIN AND OTHERS.

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Advocate for the Applicant : Shri C.R.Deshpande.
Advocate for the original Petitioners : Shri M.M.Jadhav h/f Shri S.P.Shah.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th October, 2018

Per Court:

- 1 This Civil Application is filed by the original Respondent No.6
praying for dismissing the writ petition as being abated.
- 2 Since the legal heirs of the sole deceased Petitioner have been
brought on record by an order passed today in Civil Application
No.12992/2018, no notice is required to be issued in this civil application.
- 3 List this civil application on 07.12.2018.

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

**CIVIL APPLICATION NO.12994 OF 2018
IN WP/2312/1996**

**CHAMPALAL NEMICHAND JAIN THOROUGH LRS CHANDRABAI
CHAMPALAL JAIN AND OTHERS**

VERSUS

**KHWAJA BASHIRODDIN MOINODDIN KAZI THROUGH LRS MHWAJA
MUZAMIL KISAR BASHIRODDIN KAZI AND OTHERS.**

...

Advocate for the Applicants : Shri M.M.Jadhav h/f Shri Shah Subodh P..
Advocate for Respondent 6 : Shri C.R.Deshpande.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th October, 2018

Per Court:

1 This Civil Application is filed by the legal heirs of the original
Petitioner praying for condonation of delay of about 10 years (3570 days)
caused in filing the civil application for bringing the legal heirs of the
deceased Respondent No.3 (Khwaja Matinuddin Bashiruddin Kazi) on
record.

2 Issue notice to the legal heirs of the deceased Respondent
No.3 on the addresses mentioned in the cause title of the Civil Application,
returnable on 07.12.2018.