

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.101 OF 2013
IN
SECOND APPEAL NO.208 OF 2006

Khairunnisa Mohammed Hussain ... Applicant

Vs.

Julekhabi Mohammed Yusuf & Ors. ... Respondents

Mr.J.R. Patel for the Applicant
Mr.S.Nagvadaria for Respondent Nos.1 & 2

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 27, 2018**

P.C.:

1. This is an application for bringing on record the legal heirs of respondent No.3/6 Aslam Hisamuddin Bubere and also for deletion of respondent Nos.3/1 and 3/2 as they are deceased. Respondent No.3/1 is the first wife and the Respondent No.3/2 is the second wife of the deceased respondent No.3. The learned Counsel for the applicant submits that there is a delay of 6 years, 8 months and 14 days in filing this application. However, the appeal is admitted and it is an old matter.

2. Notices were served on the respondents. However, the learned Counsel for respondent Nos.1 and 2 is only present. He, however, submits that this application is not served upon him.
3. In view of the above and for the reasons stated in the application, the delay of 6 years, 8 months and 14 days is condoned. The legal heirs of Respondent Nos.3/6 are allowed to be brought on record. Respondent Nos.3/1 and 3/2 are to be deleted from the array of parties. Amendments to be carried out within two weeks from today and amended copies of the appeal memo to be served on the other side within the same period.
4. Civil Application is allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)