

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***CIVIL APPLICATION (ST.) NO.18211 OF 2018
in
CIVIL APPLICATION NO.2556 OF 2016
in
WRIT PETITION NO.4484 OF 2015***

Sheikh Hassan Mohammad Fatakare (Since deceased)
through his legal heirs
a) Noor Mohamad Hasan Fatakare & Ors. .. Applicants

In the matter between
Sheikh Hassan Mohammad Fatakare (Since deceased)
through his legal heirs .. Petitioners
Vs.

Abdul Rehman Ibrahim Fatakare (Since deceased)
through his legal heirs
1A) Mariambi Abdul Ibrahim Fatakare & Ors. .. Respondents
And
Jalil Hasan Fatakare .. Intervener

***along with
CIVIL APPLICATION NO.2556 OF 2016
in
WRIT PETITION NO.4484 OF 2015***

Sheikh Hassan Mohammad Fatakare (Since deceased)
through his legal heirs
a) Noor Mohamad Hasan Fatakare & Anr. .. Applicants

In the matter between
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through his legal heirs
1A) Mariambi Abdul Ibrahim Fatakare & Ors. .. Respondents

Mr.Pavan Patil i/by M/s.Trima Legal for the applicants/petitioners in Civil Application (St.) No.18211 of 2018.

Mr.Sumit Kothari for the original petitioner and for the applicants in Civil Application No.2556 of 2016.

Mr.S.D.Rayrikar, AGP for the respondent no.7.

CORAM : R.D. DHANUKA, J.

DATE : 2nd August 2018

P.C.:

. Civil Application (St.) No.18211 of 2018 is not on board.
Upon mentioning, taken on board.

2. Heard this civil application along with the Civil Application No.2556 of 2016. Learned counsel for the applicants in Civil Application No.2556 of 2016 states that his clients have no objections if the applicants in Civil Application (St.) No.18211 of 2018 are impleaded as the respondents in Writ Petition No.4484 of 2015. Statement is accepted.

3. In so far as the Civil Application No.2556 of 2016 is concerned, civil application is filed for bringing the legal heirs of the sole petitioner who died on record. The applicants have annexed a death certificate to the petition along with other several documents. Civil application is made absolute in terms of prayer clauses (a) and (b). The applicants in Civil Application No.2556 of 2016 are allowed to carry out amendment to the writ petition and shall bring the legal heirs of the original petitioner on record as the Petitioner Nos.1(a) and 1(b) and shall bring the applicant in Civil Application (St.) No.18211 of 2018 as the respondent no.8.

4. It is made clear that whether the applicants in Civil Application No.2556 of 2016 are the legal heirs on the basis of the alleged Will annexed to that civil application or not, the said issue is kept open in view of the fact that the said alleged Will is disputed in the separate Civil Suit No.60 of 2017 filed by the applicants in Civil Application (St.) No.18211 of 2018 pending before the Civil Judge, Senior Division, Mangaon.

5. Both the civil applications are disposed of in aforesaid terms. Amendment to be carried out within two weeks from today. Amended copy shall be served upon the respondents' advocate including the newly added party within one week from the date of carrying out amendment.

R.D. DHANUKA, J.