

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12700 OF 2013
(Umardaraj Azimuddin Shaikh (died) through LR's Chandbee w/o
Umardaraj Shaikh and another Vs. The State of Maharashtra and
others)

IN

WRIT PETITION NO.3592 OF 2007

Mr.A.T.Ghute, Advocate for the applicants.
Mr.S.R.Yadav, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/07/2019

PER COURT :

1. I have heard the learned Advocate for the applicants and the learned AGP on behalf of respondent Nos. 1 to 5. None present for the rest of the respondents.

2. WP No.3592/2007 has been admitted by the order of this Court. The sole petitioner has passed away and delay is of 135 days. One LR of the petitioner, namely Peerpasha, has also passed away and delay is of 2928 days caused in bringing his LR's on record.

3. In view of the above, this civil application is allowed. The LR's of the petitioner from Sr.No.1 to 7 shall be brought on record within

2 (two) weeks. So also, the LR's of deceased Peerpasha, who is the son of deceased Umardaraj, will also be brought on record within the same period.

4. I am not imposing costs in so far as condonation of delay of more than 9 years caused in bringing the LR's of deceased Peerpasha on record because, under the Mohammeden Law, Peerpasha would not get a right to the property until his father Umardaraj passes away. Peerpasha, pre-deceased Umardaraj and therefore the LR's of Peerpasha would have a share in the property only after Umardaraj passed away. As such, technically, the delay would be of 135 days, which is also caused in bringing the LR's of Umardaraj on record.

5. After the addition of parties is carried out, list the petition for final hearing on 19/09/2019.

6. It be noted that as respondent No.7 has passed away, which is brought on record in the order of this Court dated 21/02/2014 and no steps have been taken, this petition stands abated to the extent of respondent No.7.

(Ravindra V.Ghuge, J.)