

Tikam

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

CIVIL APPLICATION (ST) No. 2084 OF 2019
(For brining the legal heirs of Appellant)

IN

FIRST APPEAL No. 1356 OF 2009

Khalil Ahmed Abdul Aziz
Since deceased Through
Khatun Khalil Ahmed Lohar and Ors. ...Applicants

Vs.

Islamuddin Abdul Aziz
@ Haji Islamuddin Chauhan
(Since deceased) Through Lrs
Smt. Allhabandi Islamuddin Chauhan
and Ors. ...Respondents

Mr. Rajesh S. Patil for Applicants

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 16, 2019

P.C.:

1. Not on Board. At the request of learned counsel for the Applicants , matter is taken on board.
2. Heard learned counsel Mr. Rajesh Patil for Applicants. He submits that by this civil application, they are seeking permission to bring on record the legal heirs on record of deceased Appellant Khalil Ahmed Abdul Aziz, who died on 7th December, 2018. He submits that the present civil application is filed within time.
3. Office note shows that Civil Application No. 2477 of 2014, filed for bringing on record the legal heirs of Respondent Islamuddin Abdul Aziz @ Haji Islamuddin Chauhan, is pending. Hence, the present Civil Application is not registered. The said objection is waived.
4. Considering the submissions made by the learned counsel for the

Applicants, the averments made in the civil application and as the present civil application is filed within time, I am satisfied that the Applicants have made out a case for passing the following order:

ORDER

- (i) Civil application is allowed in terms of prayer clause (a), which reads thus:-
 - (a) the names of Applicant Nos.1A to 1G as shown in title of this Civil Application, be brought on record as the heirs and legal representatives of deceased Appellant and title of First Appeal No. 1356 of 2009 may be amended accordingly.
- (ii) Applicants to carry out the amendment in First Appeal No. 1356 of 2009 and also in the pending civil application on or before 4th May, 2019, failing which civil application shall stand dismissed without reference to the Court.
- (iii) Objections raised by the Registry in the present Civil Application are waived.

[K.K. TATED, J.]