

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2638/2019

IN

FIRST APPEAL NO.979/1997

Nasra Begum Shafique

Ahmed & Ors.

.... Applicants

Vs.

Municipal Corporation of Gr.Bombay... Respondents.

Advocate Mr.Anoop Sharma i/b SM Kazi for applicants.

Advocate Mrs. Sheetal Mane for BMC.

CORAM : K.K.TATED, J.

DATED : AUGUST 5, 2019.

P.C.

Heard learned counsel for applicant.

2 By this civil application, applicant/plaintiff is seeking condonation of 2 years and 37 days delay in filing civil application for bringing legal heirs on record of deceased sole appellant Nasra Begum Shafique Ahmed who died on 17.11.2016.

3 Considering the submissions made by learned counsel for applicant and the reasons disclosed in para 4 of the civil application, I am satisfied that applicant has made out a case for following order.

a) Abatement set aside.

- b) Delay in filing civil application is condoned.
- c) Applicant is permitted to bring legal heirs on record of deceased sole appellant in First Appeal No.979/1997 on or before 31.8.2019 failing which civil application shall stand dismissed without referring back to court.
- d) If amendment is carried out within stipulated time, applicant to serve amended copy of Appeal Memo on Respondent on or before 27.9.2019 and file affidavit of service to that effect.
- e) Civil Application disposed of.
- f) No order as to cost.

(K.K.TATED, J.)

