

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2992 OF 2015
IN
FIRST APPEAL No. 491 OF 2005

Shahanawaz Ahmed Mansuri and Ors. ...Applicants

In the matter between

Abdul Karim Ahmed Mansuri ... Appellant

Vs.

Municipal Corporation of Greater BombayRespondent

Mr. Anoop Sharma i/b. Mr. S.M. Kazi for Applicants
Mrs. Sheetal Mane for Respondent No.1

CORAM: K.K. TATED, J.

DATED : JUNE 4, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this civil application, the Applicants are seeking permission to bring the legal heirs on record of deceased sole Appellant Abdul Karim Ahmed Mansuri, who died on 17th September, 2014.
3. Learned counsel Mr. Anoop Sharma for the Applicants submits that there is a delay in filing the civil application for want of knowledge. He submits that the legal heirs of sole Appellant were not aware about the present litigation. Hence, there is a delay in filing the present civil application.
4. Considering the submissions made by learned counsel for the

Applicants and the averments made in the civil application, I am satisfied that the Applicant has made out a case for allowing the civil application. Hence, following order:

ORDER

- (A) Delay in filing the civil application is condoned. Abatement is set aside.
- (B) The Applicants are permitted to bring the legal heirs on record in First Appeal No. 491 of 2005 on or before 29th June, 2019, failing which civil application shall stand dismissed without referring back to the Court.
- (C) If amendment are carried out within stipulated time, liberty is granted to the learned counsel for the Applicants to serve a copy of the Appeal Memo on Respondent and file affidavit of service to that effect on or before 14th July, 2019.
- (D) Civil Application stands disposed of accordingly.
- (E) No order as to costs.

(K. K. TATED, J.)