

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2015 OF 2019
IN
WRIT PETITION NO. 2274 OF 2004

Habibur Rehman Mohammed Ayub
(Since deceased through LRS.)

1. Ruqayya Bano Habibur Rahman and Ors. ... Applicants.

Versus

Gulam Rasool Mohammed Ayub ... Respondent

.....

Mr. M. N. Sandhyanshiv for Applicant in Civil Application.

Mr. Smit Nagda i/b Mr. A. R. Shaikh for Petitioner in Writ Petition.

.....

CORAM : A. S. GADKARI, J.

DATE : 10th OCTOBER, 2019

P. C. :

1. This is an application for bringing the legal heirs of sole petitioner on record. It is stated that, the petitioner, i.e. Habibur Rehman Mohammed Ayub passed away on 20/09/2013.

There is a delay of 5 years and 223 days in filing the present Civil Application.

2. Learned counsel for the applicant submitted that, the applicants were not aware of the fact of the pendency of the present petition. He further submitted that, the present petition was listed on final hearing board on 3rd July 2019 and at that time they received a letter from their Advocate intimating the said fact and calling upon them to give

necessary instructions in the matter. At that relevant time, applicants came to know about the pendency of petition filed by the original petitioner. He submitted that, the delay which is caused in filing the present application is not deliberate and is unintentional.

3. Perusal of the application would indicate that, sufficient cause is made out for condonation of delay and for allowing the application.

In view thereof, delay is condoned, abatement is set aside and the application is allowed in terms of prayer clauses (a) and (b).

4. Necessary amendment be carried out within a period of four weeks from today and an amended copy of the petition be served upon the learned Advocate for the respondents within the same stipulated period.

5. Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)