

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3469 OF 2012
IN SA/650/2007

MOHAMMAD SARDARODDIN S/O. ABDUL AZIZ SIDDIQUI AND ANR.
VERSUS
MOHAMMAD IMAMODDI S/O. ABDUL AZIZ SIDDIQUI (DIED) LRS.

Mr.Rajat Patodi h/f. Mr. A.P. Bhandari, Advocate for the applicant.

Mr.Rupesh Bora h/f. Mr. B.S. Kudale, Advocate for respondent Nos.1A to 1D.

Mr.A.A.L. Shaikh, advocate for respondent No.8.

CORAM : S.M.GAVHANE,J.

DATED : 24.01.2020

P.C. :-

. The applicants/appellants have moved this application to allow them to bring on record legal representatives of respondent No. 5, by condoning delay caused in moving this application and setting aside abatement of appeal against said respondent No.5.

2. The proposed legal representative of respondent No.5 i.e. respondent Nos. 5A is served with notice, but absent.

3. Learned counsel appearing for the applicants submitted that respondent No.5 died on 19.05.2011 and respondent No.5A is only proposed legal representative of said respondent. It is submitted that death certificate of respondent No.5 was not available with the applicant and on receipt of same, present Civil Application has been filed.

So also it is submitted that the applicants have no knowledge of legal procedure and therefore in above circumstances, the delay has been caused, which is unintentional. It is also submitted that valuable rights of applicants are involved in the immovable property which is subject matter of present Second Appeal. Thus, it is submitted that this application be allowed for bringing legal representatives of respondent No.5 on record.

4. Considering the submissions made by learned counsel appearing for the applicants, it appears that the delay of 166 days caused in filing present application is unintentional. Therefore, as the applicants' valuable rights in the immovable property are involved in the appeal, the application is required to be allowed to bring on record the legal representatives of respondent No.5.

5. Therefore, the application is allowed in terms of prayer clauses (B), (C) and (D). Necessary amendment be carried out within two weeks from today to show legal representatives of respondent No.5 in the cause title of the appeal.

[S.M.GAVHANE, J.]