

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**906 CIVIL APPLICATION NO.12930 OF 2021
IN SA/330/2017**

MOHAMMED JAKIODDIN SHAIKH AHMED LRS MOHAMMED
NAIMATULLA AND ANOTHER
VERSUS
NAGU RAGHU JADHAV AND OTHERS

...
Advocate for Applicants : Mr. Ansari A. N.

...
CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 03-12-2021.

ORDER :

1. Present application has been filed for bringing the legal heirs of appellant No.2 on record. Appellant No.2 expired on 19-02-2020. Though applicants contend that there is delay of 60 days, however, in view of Hon'ble Supreme Court holding in Misc. Application No.665 of 2021 in SMW(C) No.3 of 2020 dated 23-09-2021, the period of lockdown should be excluded.
2. As the period was extended/exempted by the Hon'ble Supreme Court, the Civil Application is within limitation.
3. The suit that was filed by the present appellants was for declaration and injunction which was decreed and, thereafter, the

appeal filed by the original defendants appear to be allowed, thereby setting aside the Judgment and decree passed by the Trial Court. Under such circumstances the right to sue survives.

4. Application stands allowed and disposed of.

5. Necessary amendment be carried out on or before 09-12-2021.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-