

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 CIVIL APPLICATION NO. 1591 OF 2022
WITH
CIVIL APPLICATION NO.850 OF 2022 IN WP/14540/2019

GULAB RAHIM MOMIN SHAIKH AND OTHERS
VERSUS
ISMAIL KASAMBHAI MOMIN AND OTHERS

...
Advocate for Applicants : Mr. R.L. Kute

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CORAM : SMT. BHARATI H. DANGRE, J.
DATED : 09/02/2022

PER COURT :

1. Civil Application No. 1591/2022 is taken on record though not listed, since it seeks restoration of the Civil Application No. 850/2022 which is listed today.
2. In Civil Application No. 850/2022 the applicants seek relief of bringing the legal representatives of petitioner No. 3 on record. It is informed that the petitioner No. 3 expired on 22.12.2020 and immediately upon being intimated about his death, the application came to be filed without any delay.
3. This application however was dismissed without reference to the Court by the Registrar (Judicial) in the wake of the conditional order to remove the office objections within stipulated period from 10.1.2021.

4. Since the learned counsel states that inadvertently the office objections could not be removed, Civil Application No. 850/2022 is dismissed and he seeks restoration of the same.

5. I deem it expedient to grant Civil Application No. 1591/2022, subject to deposit of cost of Rs.5000/- by the learned counsel for the applicant/petitioner with the Bar Library within a period of one week from today. The receipt shall be produced before the Registrar (Judicial) upon amount being deposited. Civil Application No. 1591/2022 is allowed in terms of prayer clause 'C'.

6. By the Civil Application No. 850/2022, the legal heirs of the petitioner No. 3 are sought to be brought on record. The application being preferred without any delay and since the presence of the legal heirs of petitioner No. 3 is very much necessary for the effective adjudication of the matter, I am inclined to grant the application in terms of prayer clause 'B'. Necessary amendment shall be carried out within a period of one week from today. Civil Application is disposed of.

[SMT. BHARATI H. DANGRE, J.]

ssc/