

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO. 4392 OF 2009
WITH
CIVIL APPLICATION NO. 4393 OF 2009
IN
SECOND APPEAL NO.1527 OF 2005

SANJIDABI ZIYAUDDIN KAZI (DIED) THROUGH L.RS.
ZIAUDDIN S/O CHIRAGODDIN KAZI AND OTHERS
VERSUS
MOINODDIN ABDUL RAHMAN KAZI and ORS.

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Advocate for Appellants : Mrs. A.N, Ansari
Advocate for Respondents : Mr. Jeevan R. Patil h/f Mr. G.B. Rajale
Advocate for Respondents : Mr. S.P. Brahme

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CORAM : BHARAT P. DESHPANDE, J.
DATED : 12th AUGUST 2022

PER COURT:-

1. These applications are filed for condonation of delay and bringing legal heirs of appellant No.1-G who died on 27.11.2004 i.e. during pendency of proceeding before the first appellate court.
2. Heard.
3. Considering the reasons disclosed in the applications and the fact that the presence of these legal heirs are necessary to decide the proceeding of second appeal, the applications need to be allowed by condoning the delay, setting aside the abatement, if any, and bringing them on record. Hence, the following order:-

O R D E R

- I. Civil applications stand allowed.
- II. Delay stands condoned.
- III. Abatement, if any, stands set aside.
- IV. Legal heirs of appellant 1-G be brought on record. The amendment to be carried out within 14 days from today.
- V. Civil applications stand disposed of.

(BHARAT P. DESHPANDE, J.)

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