

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

928 CIVIL APPLICATION NO.11900 OF 2021
IN SA/466/1996

MOHAMMAD ISMAIL KHAN MD.OSMAN DIED THROUGH LRS 1-A
HAMIDA BEGUM MOHAMMAD ISMAIL KHAN
VERSUS
SHAIKH BABU SHAIKH CHAND and OTHERS.

...
Advocate for Applicant : Mr. M. N. Shaikh h/f Mr. S. S. Kazi
Advocate for respondent no. 1 : Mr. Sawan M. Patil h/f
Mrs. Charuta S. Deshmukh
...

CORAM : RAJESH S. PATIL, J.

DATE : NOVEMBER 22, 2022

PER COURT : -

1. This civil application is filed for bringing on record legal heirs of appellant sole – Mohammad.
2. There is a delay of 802 days in filing this application. The counsel for respondent no.1 vehemently opposes the application.
3. The Division Bench of this Court in **Keshao Kawadu Maral and another Versus State of Maharashtra**, reported in 2005 (supp.) B.C.R. 226, condoned the delay of six years in filing the application for bringing legal heirs on record relying upon judgment of Hon'ble Supreme Court in the case of **Sardar Amarjit Singh Kalra (Died)** by LRs

and others Versus Pramod Gupta (Smt.) Dead) by Lrs. And others,
reported in (2003) 3 SCC 272.

4. Relying upon the above judgments and for the reasons
stated in the application, same is allowed in terms of prayer clause “A-1”
and “B”. Abatement stands set aside.

5. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of three (03)
weeks from today.

[RAJESH S. PATIL]
JUDGE