

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

923 CIVIL APPLICATION NO.9365 OF 2019
IN CA/12618/2013 WITH CA/10701/2017 IN CA/5054/2014 WITH
CA/10703/2017 IN CA/5054/2014 WITH CA/5054/2014 IN
SA/462/1989 WITH CA/12618/2013 IN SA/292/1988 WITH
CA/9366/2019 IN CA/12618/2013

SYED AHMEDADULLA SHAH MOHD. QUADRI DIED LRS. MUSTAFA
QUADRI SYED AHMEDADULLAH AND OTHERS
VERSUS
ZUBEDABEE MOHD.QUADRI DIED LRS. 3/A TO 3/L AND OTHERS.

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Advocate for Applicants : Mr. Uday D. Dalvi
Advocate for Respondent nos. 11B to 13E : Mr. Mahesh K. Bhosle &
Mr. Afzal Hussain M. Vakil holding for Mrs. Madhaveshwari S. Mhase
Advocate for Respondent no. 6 : Mrs. Rekha Choudhari holding for
Mr. S. S. Choudhari

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CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 22, 2022

PER COURT : -

CIVIL APPLICATION NO.9366 OF 2019 :

1. This Civil Application is filed for bringing on record legal heirs of applicant no. 3 – Syed Muntajibuddin s/o Shah Mohammad.
2. There is a delay of 1787 days caused in filing this application. The counsel for respondent 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 “B”, “C” and “D”. Abatement stands set aside.

5. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of two (02) weeks from today.

CIVIL APPLICATION NO.12618 OF 2013 :

1. This application is filed for setting aside the order dated 01.08.2013 and restoring the Second Appeal No. 292 of 1988.

2. There is a delay of 02 days in filing this application. The Second Appeal was dismissed for non prosecution.

3. For the reasons stated in the application, same is allowed in terms of prayer clause ‘B’ and ‘C’.

4. Civil Application stands disposed of accordingly.

CIVIL APPLICATION NO.5054 OF 2014 :

1. This application is filed for recalling the order dated 10.02.2012 with further prayer to condone the delay in filing the present application and for restoration of Second Appeal No. 462 of 1989.

2. For the reasons stated in the civil application, same is allowed in terms of prayer clause “B” and “C”.

3. Civil Application is accordingly disposed off.

CIVIL APPLICATION NO. 14517 OF 2022 :

. This application would be taken up with Civil Revision Application (St) No. 26249 of 2022 after two (02) weeks.

[RAJESH S. PATIL]
JUDGE