

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

958 CIVIL APPLICATION NO.6861 OF 2015
IN SA/787/2005

KHAJA FASHIUDDIN KHAJA MOINUDDIN LRS SAMEEUDDIN and
ORS

VERSUS

KHAJA RASHIUDDIN KHAJA MAINUDDIN LRS RAIZUDDIN and
ORS

...

Adv for Respondent no.2 : Mr. Anuj Fulfagar h/f Mr. P. R.
Katneshwarkar

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CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 11, 2022

PER COURT : -

1. This application is filed for bringing on record legal heirs of deceased appellant no. 1 – Khaja Fashiuddin s/o Khaja Moinuddin.
2. There is delay of 182 days in filing this application.
3. Counsel for the respondent vehemently opposes this application.
4. 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
sgp

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.

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

6. The Civil Application stands disposed off.

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

[RAJESH S. PATIL]
JUDGE