

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**5 SECOND APPEAL NO.928 OF 2006
WITH
CA/1071/2022 IN SA/928/2006**

HASINABEE SHAIKH AHMED
VERSUS
SHIVKUMAR BANKATLAL JAISWAL and ORS

...
Advocate for Appellant : Ms. A. N. Ansari
Advocate for Respondent No.1 to 6 : Mr. L. V. Sangit
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09th November, 2022

PER COURT :

1. The original appellant expired on 28/03/2016. By order dated 23/09/2022, this Court by imposing cost permitted the legal heirs of appellant to be brought on record. Thereafter, an application was moved by the appellant (legal heirs of original appellant), to bring the legal heirs of respondent Nos.1 and 5 on record. Notices were issued in this application.

2. The learned Advocate appearing for the legal heirs of respondent Nos.1 to 5 objects to allowing of the present application on the ground of delay as more than five years have been passed and that he had intimated the details of the legal heirs of the said respondents to the

Advocate for the original appellant.

3. It may be noticed that the original appellant had expired prior to the expiry of respondent Nos.1 and 5 and the learned Advocate appearing for the original appellant was not in a position to intimate legal heirs of the original appellant as to the expiry of respondent Nos.1 and 5. Since this Court on 23/09/2022 has allowed the application to bring the legal heirs of appellant on record, consequent thereto the present application to bring legal heirs on record of respondent Nos.1 and 5 is allowed by condoning the delay.

4. The learned Advocate appearing for the respondents submits that respondent No.3 has also expired and he has intimated the details of legal heirs of respondent No.3 to the Advocate for appellant. The appellant prays for time to take steps to bring the legal heirs of respondent No.3 on record.

5. In view of the above, stand over to 07/12/2022.

(ARUN R. PEDNEKER, J.)

vj gawade/-.