

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1341 OF 2020****IN****WRIT PETITION NO. 6147 OF 1997**

Samad Shaikh Hasn (Since Deceased)

Through LRs

.....Applicants

IN THE MATTER BETWEEN

Abdul Rahim Sk. Suleman and Ors.

.....Applicants

Vs.

Smt. Aminabi Sk. Daud

.....Respondent

Mr. R. V. Govikar a/w Ms. Shaba V. Khan for Applicants.

Mr. Amar A. Gharte for Respondent.

CORAM : A. S. GADKARI, J.

DATE : 29th MARCH, 2022.

P.C.:-

This is an application for replacing Petitioner No.8b by Petitioner Nos.8b(i), 8b(ii), 8b(iii) and 8b(iv) on record.

2. There is a delay of 6 years and 25 days to file present Application. It is stated that, the dismissal of Writ Petition No. 6147 of 1997 came to the knowledge of the surviving Petitioners very late and therefore the present Application could not be filed within the period of limitation.

3. Learned Advocate appearing for the Respondents opposed the

Application and submitted that, if this Court is inclined to condone the said delay, cost may be imposed upon the Petitioners.

4. In view of the above and for the reasons stated in the Petition, delay is condoned subject to condition that the Applicants/Petitioners shall pay a cost of Rs.1,000/- to the Kirtikar Library, High Court, Mumbai, within a period of two weeks from the date of uploading of the present Order on the Official website of the High Court.

5. Subject to payment of cost, delay is condoned, abatement if any is set aside and Application is allowed in terms of prayer clauses (a) and (b).

6. Necessary amendment be carried out within a period of three weeks from today and an amended copy of the Petition be served upon the learned Advocate for the Respondent within same stipulated period.

(A.S. GADKARI, J.)