

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

949 CIVIL APPLICATION NO.5521 OF 2023

IN

**AO/9/2017 WITH CA/861/2017 IN AO/9/2017 WITH
CA/2858/2020 IN AO/9/2017 WITH CA/5522/2023 IN
AO/94/2016 WITH CA/16459/2016 IN AO/94/2016**

**SHAIKH MOINUDDIN SHAIKH AMIRUDDIN THR LRS SHAHENAZ
SHAIKH MOINUDDIN AND ORS**

VERSUS

SHAIKH TAJUDDIN SHAIKH AMIRUDDIN AND ORS

...

Advocate for Applicants:

Mr. Shaikh Altamash Abdul L

Advocate for Respondent No.1:

Mr. P. P. Patni h/f. Mr. P. F. Patni

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CORAM : ARUN R. PEDNEKER, J.

DATE : 09th AUGUST, 2023

PER COURT:

1. Civil Application No.5521 of 2023 in Appeal From Order No.9 of 2017 is allowed as there is no objection for the same.

2. Civil Application No.5522 of 2023 in Appeal From Order No.94 of 2016 is allowed as there is no objection for the same.

3. Parties to carry out the necessary amendment in the appeal memo.

4. Mr. Shaikh Altamash Abdul L, learned advocate appears for the legal representatives of the appellants no.1 and 4 in Appeal From Order No.94 of 2016, so also, for legal heirs of respondents No.3 and 6 in Appeal From Order No.9 of 2017. All the legal heirs are represented by the learned advocate, as such, no notice is required for them.

5. Civil Application No.2858 of 2020, Mr. P. P. Patni holding for Mr. P. F. Patni, learned counsel for the applicant seeks to bring the legal heirs of respondent no.1 on record. The legal heirs of respondent no.1 are served. The learned counsel submits that he became aware of the demise of respondent no.1 and thereafter it took some time to get the details of the legal heirs and after great efforts the applicant could get the death certificate, as such, the delay of 235 days is caused in filing the civil application. The Civil Application No.2858 of 2020 to bring the legal heirs of respondent no.1 is allowed. Delay is condoned. Abatement is set aside. Necessary

amendment be carried out within a period of two (02) weeks from today. The civil application is disposed of.

6. After carrying out the necessary amendment, issue notice to the legal heirs of respondent no.1 in the main matter, returnable on 20.09.2023.

[ARUN R. PEDNEKER, J.]

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