

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

947 CIVIL APPLICATION NO.13479 OF 2013
IN SECOND APPEAL NO.63 OF 1995

MOHAMMAD HAJI LAL AHEMAD
DIED L.Rs.HYDER MOHD.HAJI AND OTHERS
VERSUS
INTAJABEE SHADULLAH DIED L.Rs.MEHABOORBEE AND
OTHERS

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Advocate for Applicants : Adv.Wasif Shaikh h/f.
Mr.Kamaljeet Chandaliya
Advocate for Respondent nos.5B to 5D : Adv.J.B.Paikrao
h/f. Mr.G.G.Suryawanshi

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17.07.2023

P.C. :

1] The present Civil Application is filed to bring on record the legal heirs of the deceased respondent no.5 by condoning the delay, if any, in filing the present Application and by setting aside the order of abatement.

2] The learned counsel for the applicants submits that the applicants were not aware about the death of the respondent no.5 during pendency of the present proceedings. The applicants came to know about the death of respondent no.5 when the notices were issued in Civil Application No.1383 of 2023. The learned counsel for the

applicants submits that considering the said fact, the present Civil Application may be allowed.

3] In view of the same, the present Civil Application is allowed. Delay, if any, is condoned. The abatement, if any, is set aside. Accordingly, the Civil Application is disposed of.

4] The applicants are permitted to carry out the necessary amendment within a period of three weeks.

5] List Second Appeal No.63 of 1995 on 17th August, 2023.

[ARUN R. PEDNEKER]
JUDGE

DDC