

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1053 of 2020
IN
SECOND APPEAL NO.149 OF 2002**

Shri. Babar Shahabuddin Mulla

(SINCE Decd. Thr. Lrs)

Masaheb Babar Mulla & Ors.

In the matter between

Shri. Babar Shahabuddin Mulla

(SINCE Decd. Thr. Lrs)

Masaheb Babar Mulla & Ors.

...Applicants

Versus

Hasan Abdul Mulla & Ors.

...Respondents

Ms. Anjali R. Shiledar- Baxi, for the Applicants.

Mr. Abhishek Nandimath i/b Mr. Umesh Mankapure for
Respondent No. 11.

CORAM : MADHAV J. JAMDAR, J.

DATE : 13th MARCH, 2023

P.C.:

1. Heard Ms. Baxi, learned counsel appearing for the Applicants and Mr. Nandimath, learned counsel appearing for heirs of Respondent No. 1.

2. This Interim Application is taken out to bring on record legal heirs of Respondent No. 11.

3. There is delay of 6 years and 335 days. It appears that,

learned Advocate appearing for Respondent No. 11 has served a letter on 7th January, 2013 on the learned Advocate appearing at that time in Second Appeal. However, the learned Advocate appearing in Second Appeal for the Appellants passed away. Thereafter, Ms. Baxi filed *Vakalatnama* on behalf of the Appellants. It appears that, thereafter, learned Advocate appearing for Respondent No. 11 again communicated Ms. Baxi regarding the names of heirs and legal representatives of Respondent No. 11 along with Death Certificate by communication dated 16th January, 2020.

4. Therefore, there are sufficient reasons mentioned for the delay condonation.

5. The Interim Application is allowed in terms of prayer clauses (a), (c), (d) and (e).

6. Amendment be carried out within a period of two weeks from today.

7. The Interim Application is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)