

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

**915 CIVIL APPLICATION NO. 4067 OF 2023
IN CRA/24/2020**

SYED WAHEED UL HASAN SYED SAYEED UL HASAN

....Applicant

VERSUS

BISMILLAH KHAN RASOOL KHAN DIED THR LRS RUKHIYYA
BEGUM BISMILLA KHAN AND ORS

.....Respondent

.....

Advocate for Applicant : Mr. Zaidi Ali Zeeshan M.

Advocate for Respondent No.2 : Mr. N.E. Deshmukh

Advocate for Respondent Nos.1/2 to 1/7 Mr. S.A.P. Quadri

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : July 16, 2024

ORDER:-

1. Heard rival submissions.
2. The respondent No.1/1 Rukhiyya Begum w/o Bismilla Khan, who is wife of deceased respondent No.1 Bismilla Khan is no more. As per order dated 02.07.2024, the learned counsel for the applicant has already deleted her name. The application is filed for bringing legal representative of deceased respondent No.1 Bismilla Khan on record by condoning delay of 617 days. Admittedly, Bismilla Khan has died on 22.03.2021. The learned counsel appearing on behalf of

existing legal representatives of Bismilla Khan opposed the application on the ground of huge delay. However, considering the right to sue, the application stands allowed in terms of prayer clause (B) and (C), subject to cost of Rs. 1,000/- (Rupees One Thousand) to be paid to the existing legal representatives of deceased respondent No.1 namely respondent No.1/2 to R/1/7 within two weeks.

3. The amendment be carried out after deposit of costs.
 4. The application stands disposed of.
 5. List the Civil Revision Application on 30.07.2024.
- In the meantime, record and proceeding be called.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni