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8-CA- 4072-24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CIVIL APPLICATION NO. 4072 OF 2024
IN SA/438/2019

SHAHENAJ SHIMULLA DAUDKHAN L.RS. SHAMIULLA DAUD KHAN
AND OTHERS

VERSUS

ANITA ASHOK JOSHI

...

WITH

SECOND APPEAL NO. 438 OF 2019

...

Advocate for Applicants : Mr. Sagar P. Mahale

h/f. Mr. Shaikh Mazhar A. Jahagirdar

Advocate for Respondent : Mr. Sanjay S. Dudhane

h/f. Mr. V. R. Dhorde

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 22.04.2024

PER COURT :

1. Heard the learned counsel appearing for the respective parties at length.

2. On the ground set out in the application, the delay of 639 days caused while bringing the legal heirs of sole appellant on record is hereby condoned. The abatement is set aside. The applicant is permitted to bring on record the legal heirs of sole appellant, who died on 06.04.2022 as the cause of action survives.

3. Necessary amendment be carried out within 14 days from today.
4. Place the matter for admission on 09.05.2024.

(Y. G. KHOBRADE, J.)

shp