



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

**CIVIL APPLICATION NO. 6578 OF 2023
IN SA/38/2013**

**SYED AHMED SYED NIZAM AND ORS
VERSUS**

MUZAMMIL KHAN CHAND KHAN DIED LRS. MUNNIBEE AND ORS.

.....
Advocate for Applicant : Mr. Salgar Suresh Prabhakar
Advocate for Respondents : Mr. Shaikh Mujtaba Gulam Mustafa
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 02.04.2024**

PC.:-

1. Heard both the sides at length.
2. By the present application the applicants seek permission to bring the legal heirs of appellant/applicant no.2 on record as well as condonation of delay and setting aside abatement.
3. Since the appellant no.2 died during the pendency of present appeal on 26.03.2021 leaving behind the legal heirs i.e. 2 A-A, 2B to 2F. The respondents have not disputed that the applicants are the legal heirs of deceased. Further due to Covid pandemic the applicants could not file application within limitation which appears to be justifiable and the abatement which has been caused needs to be set aside.

4. Accordingly, the civil application is allowed. The delay of 670 days caused in filing the application for bringing the legal heirs on record is hereby condoned. The abatement is set aside. The applicants to bring the legal heirs of applicant on record. Necessary amendment be carried out within a period of 14 days from today.

[Y.G. KHOBRADE, J.]