



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

9 SECOND APPEAL NO. 551 OF 2012
WITH
CIVIL APPLICATION NO. 9329 OF 2012 IN SA/551/2012
WITH
CIVIL APPLICATION NO. 10946 OF 2021 IN SA/551/2012
WITH
CIVIL APPLICATION NO. 12058 OF 2021 IN SA/551/2012
WITH
CIVIL APPLICATION NO. 12059 OF 2021 IN SA/551/2012
WITH
CIVIL APPLICATION NO. 11423 OF 2023 IN SA/551/2012
WITH
CIVIL APPLICATION NO. 11424 OF 2023 IN SA/551/2012

SHAIKH BADRU SHAIKH YUSUF AND OTHERS
VERSUS
SHAIKH MAHEBOOB SHAIKH KADUBAHI AND OTHERS

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Mr. Nitin Jagadale h/f. Mr. V.D. Salunke – Advocate for Appellants
Mr. Gopal R. Rokade h/f. Mr. S.J. Salunke – Advocate for Respondent Nos.11 to 15
Ms. Ashwini Sahasrabudhe h/f. Mr. Devang R. Deshmukh – Advocate for Respondent Nos.5 to 7

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 11th March, 2024

PER COURT :

CIVIL APPLICATION NO. 12058 OF 2021

1. Heard rival submissions.

2. The present application is filed for bringing legal representatives of deceased appellant Nos.1 to 3, 8A, 9 and 9A, who are admittedly died on the dates mentioned in their death certificates annexed herewith. A maximum delay caused in bringing legal representatives of appellant No.2 is of 2014 days.

3. Learned Counsel for the respondents submits that, verification is required whether all the legal representatives of deceased appellants are mentioned in the application. However, that can also be considered even after bringing the corresponding legal representatives of the appellants on record.

4. In view of the same, the application is allowed in terms of prayer clauses 'B', 'C' and 'D' subject to cost of Rs.3000/- (rupees Three Thousands only) to be to the Library, Advocates Association of High Court, Bombay, Bench at Aurangabad within two weeks and thereafter necessary amendment be carried out.

5. The application is accordingly disposed of.

CIVIL APPLICATION NO. 11423 OF 2023

6. Heard rival submissions.

7. The present application is filed for bringing legal representatives of deceased appellant No.8D i.e. Shaikh Shabir Shaikh Sajan, who admittedly died on 2nd February, 2022. There is also delay of 486 days. Learned Counsel for the respondents opposed the application on the ground of delay. However, considering the right to sue the application stands allowed in terms of prayer clauses 'B' and 'C' subject to cost of Rs.1000/- (rupees One Thousand only) to be to the Library, Advocates Association of High Court, Bombay, Bench at Aurangabad within two weeks and thereafter necessary amendment be carried out.

8. The application is accordingly disposed of.

CIVIL APPLICATION NO. 12059 OF 2021

9. Leave to correct contents and prayers of the application.

10. List the Second Appeal No. 551 of 2012 alongwith Civil Application No. 9329 of 2012, Civil Application No. 10946 of

2021, Civil Application No. 11424 of 2023 and Civil Application No.12059 of 2021 on 27th March, 2024.

[SANDIPKUMAR C. MORE]
JUDGE