



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 800 OF 2024
IN SA/499/2011

ATTIQKUR RAHEMAN SUBHANKHAN PATHAN

VERSUS

MOHAMMAD JUBER ALIL MOHD THEKIYA L.RS. SIRAJ BANO AND
OTHERS

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Mr. K. V. Morey h/for Mr. P. R. Katneshwarkar, Advocate for Applicant
Mr. Amit Mukhedkar, Advocate for the Respondents

CORAM : Y. G. KHOBRADE, J.

DATE : 18th April, 2024

ORDER:

1. While hearing, the learned counsel appearing for the applicant stated that present Respondent No. 1.1- Siraj Bano w/o Mohammad Juber Thekiya, wife of sole deceased Respondent, died on 11.04.2022 leaving behind her Legal heirs - Respondent Nos. 1.2 to 1.7 who are named in the present application, hence prayed for deletion of name of Respondent No. 1.1. The leaned counsel for the applicant prayed for condonation of delay of 2578 days caused while presenting the application for bringing legal heirs of the deceased respondent on record. The learned counsel for the respondents/legal heirs resisted the application on the ground that the delay has not been properly explained.

2. According to the applicant, he was not aware about the death of respondent and soon after he got knowledge, the present application

has been filed, hence, the delay caused is not intentional and it is bonafide. In view of the above, I am inclined to grant the present application and proceed to pass the following order:

ORDER

- (i) The Civil Application No. 800 of 2024 is allowed. Delay of 2578 days caused in bringing the legal heirs of deceased respondent on record is condoned.
- (ii) The applicant is hereby permitted to delete the name of Respondent No. 1.1.
- (iii) The applicant is permitted to bring the legal heirs of Respondent i.e. Respondent No. 1.2 to 1.7 on record.
- (iii) Abatement is set aside.
- (iv) Necessary amendment be carried out within two weeks from today.

(Y. G. KHOBRAGADE, J.)

JPChavan