



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

**14 SECOND APPEAL NO. 480 OF 2014
WITH
CIVIL APPLICATION NO. 4529 OF 2017
IN SA/480/2014
WITH
CIVIL APPLICATION NO. 7570 OF 2014
IN SA/480/2014
WITH
CIVIL APPLICATION NO. 1421 OF 2022
IN SA/480/2014
WITH
CIVIL APPLICATION NO. 1422 OF 2022
IN SA/480/2014
WITH
CIVIL APPLICATION NO. 1418 OF 2022
IN SA/480/2014
WITH
CIVIL APPLICATION NO. 1420 OF 2022
IN SA/480/2014
WITH
CIVIL APPLICATION NO. 1419 OF 2022
IN SA/480/2014
WITH
CIVIL APPLICATION NO.2595 OF 2023
IN SA/480/2024**

**JAINUDDIN SHAIKH HUSSAIN DEAD LRS SHAIKH SHAMER AND
OTHERS
VERSUS
SHAIKH SAJJAN SHAIKH HUSSAIN DIED LRS RAHIMBEE AND
OTHERS**

...

Mr. V. D. Gunale, Advocate for Appellants

Mr. V. V. Bhavthankar, Advocate for Respondents Nos.2 to 6, 10 to
13

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09/09/2024.

P. C. :**A) ORDER IN CIVIL APPLICATION NO.4529 OF 2017 :**

1. Heard rival submissions.
2. The application is filed for bringing legal representatives of respondent No.10 Shaikh Burhan Shaikh Hussain, who died on 11/01/2016, by condoning the delay of 342 days.
3. Though the application is opposed, but considering the right to sue, the application stands allowed in terms of prayer clauses-B & C subject to cost of Rs.500/- to be paid to Advocate's Bar Library, High Court, Aurangabad.
3. Amendment be carried out within stipulated period.
4. The application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.1418 OF 2022 :

1. Heard rival submissions.
2. The application is for bringing legal representatives of respondent No.2 Ahmed Shaikh Sajjan, who admittedly died on 10/01/2021. The application is within time and thus, stands allowed in terms of prayer clause-B and disposed of .
3. Amendment be carried out within stipulated period.

C) ORDER IN CIVIL APPLICATION NO.1419 of 2022 :

1. Heard rival submissions.
2. The application is filed for bringing legal representatives of respondent No.10/B Nizam Shaikh Burhan, who died on 24/08/2016, by condoning the delay of 1842 days. However, by passing order today itself in Civil Application No.4529 of 2017 his legal representatives are already brought on record. As such, the present application stands disposed of.

D) ORDER IN CIVIL APPLICATION NO.1420 OF 2022 :

1. Heard rival submissions.
2. The application is filed for bringing legal representatives of respondent No.11 Badruddin Shaikh Yusuf, who died on 05/11/2020, by condoning the delay of 43 days.
3. Though the application is opposed, but considering the right to sue, the application stands allowed in terms of prayer clauses-B & B/1 subject to cost of Rs.500/- to be paid to Advocate's Bar Library, High Court, Aurangabad.
4. Amendment be carried out within stipulated period.
5. The application is accordingly disposed of.

E) ORDER IN CIVIL APPLICATION NO.1421 OF 2022 :

1. Heard rival submissions.
2. The application is filed for bringing legal representatives of respondent No.12 Fatru @ Chand Shaikh Yusuf, who died on 06/10/2019, by condoning the delay of 704 days.
3. Though the application is opposed, but considering the right to sue, the application stands allowed in terms of prayer clauses-B & C subject to cost of Rs.1000/- to be paid to Advocate's Bar Library, High Court, Aurangabad.
4. Amendment be carried out within stipulated period.
5. The application is accordingly disposed of.

F) ORDER IN CIVIL APPLICATION NO.1422 OF 2022 :

1. Heard rival submissions.
2. The application is for bringing legal representatives of respondent No.13 Shaikh Ayyub Shaikh Yusuf, who admittedly died on 18/11/2020. The application is within time and thus, stands allowed in terms of prayer clause-B and disposed of.
3. Amendment be carried out within stipulated period.

G) ORDER IN CIVIL APPLICATION NO.2595 OF 2023 :

1. Not on board. Taken on board.

2. Heard rival submissions.
3. The application is filed for bringing legal representatives of respondent No.5 Shaikh Shabbir Shaikh Sajjan, who died on 02/02/2022, by condoning the delay of 267 days.
4. Though the application is opposed, but considering the right to sue, the application stands allowed in terms of prayer clauses-B & C subject to cost of Rs.500/- to be paid to Advocate's Bar Library, High Court, Aurangabad.
4. Amendment be carried out within stipulated period.
5. The application is accordingly disposed of.
6. List connected matters on 23/09/2024.

(SANDIPKUMAR C. MORE, J.)