



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

**948 CIVIL APPLICATION NO. 14512 OF 2023
IN SA/197/2003
WITH
CIVIL APPLICATION NO. 14514 OF 2023
IN SA/197/2003
WITH
SECOND APPEAL NO. 197 OF 2003
WITH
CIVIL APPLICATION NO. 14509 OF 2023
IN SA/198/2003
WITH
CIVIL APPLICATION NO. 14511 OF 2023
IN SA/198/2003
WITH
SECOND APPEAL NO. 198 OF 2003**

**BEGUMBI ABDUL RASHID L.RS. YASMIN AND ORS
VERSUS
SHAIKH MEHMOOD SK MAHBOOB DECEASED
THROUGH LRS HAMIDABEE AND OTHERS**

...

Advocate for Applicants : Mr. Shaikh Mujtaba Gulam Mustafa
Advocate for Respondent No. 1 : Mr. Parag Barde
Advocate for Respondents Nos. 2 to 6 & 7a to 7d : Mr. S.S.
Khoche h/f. Mr. D.P. Palodkar

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : November 22, 2024

PER COURT :-

1. Both these applications are moved by the legal heirs of Begumbi W/o. Abdul Rashid to bring them on record of Second Appeal as LRS of deceased Begumbi Abdul Rashid who expired on 01.02.2013 i.e. during pendency of this Second Appeal.

2. Learned Advocates appearing for the applicants submits that they are interested in prosecuting further the cause of the litigation as LRS of Begambi. It is submitted that in fact it was responsibility of the appellant to bring them on record as legal representative of deceased Begambi. However, appellant failed to do so. Hence, they required to file present application. According to him, their valuable rights are involved in the suit property and their presence would be necessary for adjudication of the dispute.

3. Mr. Barde learned Advocate appearing for the appellant submits that no intimation was given to him as regards death of Bagambi or the legal heirs. In absence of such particulars he could not take necessary steps for bringing LRs. However, he has no serious objections, if the applicants are permitted to be brought on record or applicants are bring on record as LRS of Begambi.

4. It is true that it would be the duty of appellant to bring the LRS of deceased respondent on record. However, there is no prohibition under law to the legal heirs to approach in the pending litigation against the deceased with prayer to bring them as LRS. Apparently, this is a suit for partition of the property. The plaintiffs and defendants would be on same footings in such litigation. More so, there is no serious objections on behalf of the appellant to the present application.

5. In that view of the matter, both the Civil Applications stands allowed in terms of prayer clause 'B' and 'C'. The appellant to take necessary steps for amending the

appeal memo and bring the applicants on record as LRS of deceased Begumbi.

6. Civil Applications stand disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

spc-