

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 24 OF 1991
WITH
CIVIL APPLICATION NO. 197 OF 2014
WITH
CIVIL APPLICATION (ST.) NO. 3580 OF 2014
WITH
CIVIL APPLICATION NO. 936 OF 2018
IN
SECOND APPEAL NO. 24 OF 1991**

Shri. Gulamnabi Ibrahim Mulla Appellant
Vs.
Shri. Babu Maga Teli and anr. Respondents

Ms. A.R.S. Baxi for the Appellant.
Mr. Yogesh Birajdar i/b. Mr. S.D. Dharmadhikari for the Respondents.

CORAM : SHYAM C. CHANDAK, J.

DATED : 18th OCTOBER, 2024

P.C. :-

. Heard learned Advocates for the respective parties. Perused the Applications filed in the main Appeal.

ORDER IN CIVIL APPLICATION NO. 936 OF 2018 :-

. Present Application is seeking for condoning the delay of 138 days in filing this Application, setting-aside the abatement and permission to bring on record the legal representatives of the deceased Appellant No.1 i.e., Appellant Nos.1(a) to 1(c).

2) Learned Advocate for the Respondents has no objection to condone the delay and to allow the Application.

3) Therefore, and considering the reasons stated in the Application, a case is made out to condone the delay, set-aside the abatement and to implead the proposed legal heirs as Appellant Nos.1(a) to 1(c). The Application stands allowed, accordingly.

4) Amendment be carried out within a period of two weeks from today with advance copy to the other side.

ORDER IN CIVIL APPLICATION NO. 197 OF 2014 :-

. Present Application is seeking for condoning the delay of 06 years and 337 days in filing this Application, setting aside the abatement and permission to bring on record the legal representatives of the deceased Respondent No.1(a) i.e. Respondent Nos.1(a)(1) to 1(a)(3).

2) Learned Advocate for the Respondents has no objection to condone the delay and to allow the Application.

3) Therefore, and considering the reasons stated in the Application, a case is made out to condone the delay, set-aside the abatement and to implead the proposed legal heirs as Respondent Nos.1(a) (1) to 1(a)(3). The Application stands allowed, accordingly.

4) Amendment be carried out within a period of two weeks from today with advance copy to the other side.

ORDER IN CIVIL APPLICATION (ST.) NO. 3580 OF 2014 :-

. Present Application is seeking for condoning the delay of 49 days in filing this Application, setting-aside the abatement and permission to bring on record the legal representatives of the deceased Respondent

No.1(c) i.e., Respondent Nos.1(c)(1) to 1(c)(4).

2) Learned Advocate for the Respondents has no objection to condone the delay and to allow the Application.

3) Therefore, and considering the reasons stated in the Application, a case is made out to condone the delay and to implead the proposed legal heirs as Respondent Nos.1(c)(1) to 1(c)(4). The Application stands allowed, accordingly.

4) Amendment be carried out within a period of two weeks from today with advance copy to the other side.

5) The aforesaid Civil Application Nos.936/2018, 197/2014 and Civil Application (St.) No.3580 of 2014 stand disposed of.

ORDER IN SECOND APPEAL NO. 24 OF 1991 :-

. List the Appeal on **13th December, 2024** under the caption ‘for final hearing’.

(SHYAM C. CHANDAK, J.)