

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1996 OF 2016

IN

SECOND APPEAL NO.785 OF 2016

AND

CIVIL APPLICATION NO.1537 OF 2014

Ayub Abdulrahim Patel

...Appellant

Versus

Mohamed Ali Khajamiya Kazi

...Respondent

Ms. Bhavika Shinde i/b Mr. Umesh Mankapure for the Appellant-Applicant.

Mr. Kalpesh Patil for Respondent Nos.1 to 3 and 4A to 4H.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 14th FEBRUARY, 2024

P. C. :

1. Civil Application has been preferred for bringing on record legal heirs of the deceased respondent No.4a.

2. Ms. Shinde, learned counsel appearing for the applicant submits that year of the Civil Application has been wrongly stated as 2016 instead of 2019 as also the delay which is of 85 days wrongly stated in the Civil Application as 275 days. Learned counsel for the applicant is permitted to amend the year of the Civil Application as well as the number of days of delay. Amendment to be carried out forthwith.

3. Ms. Shinde, further pointed out that in the order dated 5th March 2021, there is typographical error as regards the present civil application which was in respect of bringing on record legal heirs of respondent No.4a, whereas the said order records that the Application is for bringing on record legal heirs of respondent No.5 as also there is wrong mention of number of days of delay.

4. Considering the averments in the Application, it is clear that the application has been preferred for bringing on record legal heirs of deceased respondent No.4a. Mr. Patil appears for the proposed respondent and waives service for the respondents and requests that delay of 85 days be condoned.

5. Civil Application is allowed. Amendment to be carried out within a period of 2 weeks from today.

(SHARMILA U. DESHMUKH, J.)