

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

WRIT PETITION NO.7469 OF 2024

Mumtaz Rafiq Chhagala
since deceased represented
through her Legal Heirs

....Petitioners

V/S

Shrikant Nivrutti Kurhade & Ors.

....Respondents

Mr. Prashant Darandale *for the Petitioners.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 12 JUNE 2024.**

P.C.:

1 Mr. Darandale, the learned counsel appearing for the Petitioners would submit that though two chances were granted by the Trial Court for filing Written Statement, the Written Statement could not be filed essentially on account of ill-health of the first Defendant who ultimately succumbed to her illness on 9 December 2022. That the children of the couple are now desirous of defending the suit after death of their parents, the father has died in 2015 and the mother on 9 December 2022. Only on account of this reason I am inclined to entertain the Petition.

2 Issue notice to the Respondents, returnable on 23 July 2024. Hamdast granted. In addition to Court notice, the Petitioners are permitted to serve the Respondents by private notice.

3 List the Petition under the caption 'for circulation'. Till the next date of hearing, the Trial Court shall adjourn the proceedings.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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