

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

FIRST APPEAL NO. 318 OF 1979

Sayed Sajjad Hussein Saheb Hussein Jagirdar ...Petitioner

Versus

Sidappa Virbhadrapa Darekar ...Respondent

**WITH
INTERIM APPLICATION NO. 14464 OF 2024**

S.S. Husen S/o S.H. Jagirdar
Died Lrs. S.S. Hussain S/o. S.H. Jagirdar
Died Lrs. Sayed Mujahid S/o. Sayed S. ...Applicant

Versus

Sidappa Virbhadrapa Darekar
Died & Ors. ...Respondents

**WITH
WRIT PETITION NO. 2093 OF 2019**

Sayed Mujahid Hussaini ...Petitioner

Versus

The State Of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO. 7371 OF 1999**

Sayed Sajid Hussaini S/o Sayed Sajjad Hussaini ...Petitioner

Versus

The State Of Maharashtra & Ors. ...Respondents

Adv. S.S. Kazi, Advocate for the Appellant.

Mr. S.B. Talekar, Advocate for Respondents in FA/318/1979.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 21st NOVEMBER, 2024

P.C. :-

1. The Hon'ble Chief Justice of the Bombay High Court has issued a direction dated 21st October, 2024, by which, these proceedings have been allocated to this Bench.

2. The learned Advocate for the Appellant/Petitioner has put forth the following requests :

- a) He would provide a full set of the Writ Petition No.2205 of 1999, which was filed at the Aurangabad Bench, to the Registry at Mumbai within a period of two weeks.
- b) As the original Appellant has died on 26th February, 2015, Interim Application No.14464 of 2024 has been filed to bring the legal heirs (LRs.) on record.
- c) The following Respondents i.e. i) Sidappa Virbhadrappa Darekar, ii) Hirabai w/o Shivayya Swami, iii) Gurlingappa Dhondappa Hattune and iv) Kalappa

Fakirappa Futankar have passed away and their LRs would be brought on record. A prayer is already made in the above stated Interim Application, in the light of Prayer Clause ‘(C)’

d) Thereafter, the Appellant needs 10 weeks time to reconstruct the First Appeal.

3. In view of the above, the **Interim Application No.14464 of 2024 is allowed**. Let the LRs of the deceased-Appellant and the deceased Respondents, be brought on record, within two weeks. The learned Advocate Mr. Talekar waives service on behalf of all the LRs’ of these four deceased-Respondents.

4. After the Appellant tenders the copy of Writ Petition No.2205 of 1999, we permit the Appellant to reconstruct the First Appeal No.318 of 1979, within ten weeks.

5. After the entire above-mentioned exercise is completed, liberty is granted to circulate the First Appeal for a hearing.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)