

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 548 OF 2022  
IN  
SUIT NO. 1489 OF 2018**

Sabira Abubakar Abbasi & Ors. ... Applicants/Plaintiffs  
Versus

Rajubhai Khubbhai Abbasi and Ors.  
and Fazal R. Abbasi (2A to 2C) & Ors. ... Defendants

**WITH  
INTERIM APPLICATION (L) NO. 12944 OF 2023  
WITH  
INTERIM APPLICATION (L) NO. 27813 OF 2023  
IN  
SUIT NO. 1489 OF 2018**

Sabira w/o Ashfaque Khan & Ors. ... Applicants

***In the matter between :***

Sabira Abubakar Abbasi & Ors. ... Plaintiffs  
Versus

Rajubhai Khubbhai Abbasi and Ors.  
and Fazal R. Abbasi (2A to 2C) & Ors. ... Defendants

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Mr. Javeed Hussein a/w Mubashir Hussein i/by Hussein & Co. for  
the Applicants/Plaintiffs.

Mr. Jayraj V. Shinde i/by Vijay B. Dhingreja for Defendant No.1.

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**CORAM: MANISH PITALE, J.  
DATE : 22<sup>nd</sup> FEBRUARY, 2024**

**P.C. :**

. The applicants have moved these applications for  
amendment in the light of the fact that, during the pendency of

the suit, plaintiff No.1 and defendant Nos.1 and 2 have expired.

2. Interim Application No. 548 of 2022 is filed for bringing on record legal heirs of defendant Nos. 2, who expired on 27<sup>th</sup> April, 2021. The details of her legal heirs are given in the application and in that light, amendment is sought as per the schedule filed along with the application.

3. Interim Application (Lodging) No.12944 is filed for deletion of the name of the plaintiff No.1 who expired on 22<sup>nd</sup> September, 2022, from the array of parties. It is submitted that her legal heirs are already on record. In that light, amendment is sought in terms of the schedule annexed to the application.

4. Interim Application (Lodging) No. 27813 of 2023 is filed for bringing on record the legal heirs of defendant No.1, who expired on 30<sup>th</sup> July, 2023. The details of the legal heirs of the said defendant are given in the application. In that context, the amendment is sought as per the schedule annexed to the application.

5. This Court has taken note of the fact that the copies of death certificates of plaintiff No.1, defendant No.1 and defendant No.2 are placed on record along with the applications.

6. Considering the material placed on record, and in the

interest of justice, the applications are allowed in terms of the prayers made therein.

7. Accordingly, the applicants are permitted to amend the pleadings in terms of the schedule annexed to the applications and permission is also granted to delete the name of the plaintiff No.1 from the array of parties. Amendment to be carried out within two weeks from today. Re-verification is dispensed with.

8. As a consequence of the amendments being allowed and the legal heirs of defendant Nos. 1 and 2 being brought on record, issue notice to the aforesaid legal heirs of defendant Nos. 1 and 2, brought on record by way of amendment, returnable on **15<sup>th</sup> April, 2024**. Additionally, the applicants are permitted to serve the said legal representatives by way of private service and to place affidavit of service on record.

9. Applications stand disposed of.

**MANISH PITALE, J.7**