

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****INTERIM APPLICATION NO. 3451 OF 2024****IN****WRIT PETITION NO. 370 OF 2009**

Mohammed Sayeed Shah Mohammed & Ors.Applicants

Vs.

State of Maharashtra & Ors.Respondents

Mr. N. V. Sanglikar for the Applicants.

Adv. Ms. Pushpa Yadav for the Respondent-BMC.

Ms. Shraddha Nagaonkar i/by Adv. Sagar Shetty for the BEST Undertaking.

Mr. Abhay L. Patki, Addl. GP for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 3rd DECEMBER, 2024.

P.C.:-

1) This is an Application for bringing legal heirs of Petitioner Nos.9,10,11 and 12 respectively on record, more specifically mentioned in the schedule annexed to the Application.

2) There is a delay of 4283, 2239, 1450 and 1837 days in filing present Application for bringing legal heirs of said Petitioner Nos.9,10,11 and 12 respectively.

- 3) Learned Advocate appearing for the Applicants submitted that, the fact of demise of the said Petitioners came to the notice of the concerned Advocate when the Petition was listed on final hearing board. That, Petitioner No.1 was following up with the present case before this Court and due to inadvertence, he could not inform the said fact of demise of the said Petitioners to his Advocate. That, because of the same, delay has caused.
- 4) Learned Advocates for the Respondents have no serious objection for condonation of the said delay.
- 5) In view thereof and for the reasons stated in the Application, delay in bringing legal heirs of Petitioner Nos.9,10, 11 and 12 is condoned. Abatement, if any, is set aside and Application is allowed in terms of prayer clauses (a), (b) and (c).
- 6) Necessary amendment in the record of Court and simultaneously in the copies served upon the Respondents be carried out within a period of three weeks from the date of uploading of present Order on the official website of Bombay High Court.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

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MASHALKAR
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