



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.7046/2024
Sayyad Shahzad V Sayyad Zuber

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Mukta Ranade, Advocate for petitioner.
Mr. S.S. Sitani, Advocate for respondent/Caveator.

CORAM : N.R. Borkar, J.
DATE : 17-12-2024.

This petition takes exception to the order dated 01-10-2024 passed by the learned 2nd Joint Civil Judge Junior Division, Nagpur below Exhibit-99 in Regular Civil Suit No.1372/2006.

ii. Respondent herein has filed a suit for declaration, mandatory and permanent injunction against one Taimunbee Sayyad Habib, who died during pendency of the suit on 02-05-2021. By the order impugned, the learned trial Court has allowed the application filed by the respondent for condonation of delay in bringing the legal representatives of said Taimunbee.

iii. The learned Counsel for the petitioner submits that the application for bringing legal representatives was filed after more than two years though respondent was aware about the

death of said Taimunbee. It is submitted that the trial Court thus erred in allowing the application.

iv. It appears that on 07-11-2023 the pursis was filed on the record of suit in respect of death of said Taimunbee and within 15 days thereafter the respondent had filed the application for bringing her legal representative. In that view of the matter, I am not inclined to interfere in the order impugned in this petition.

v. The petition is dismissed.

(N.R. Borkar, J.)