



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 8435 OF 2023
IN SA/304/2007

SAYYED MOIN SYED ABDULLAH DIED LRS. SYEDA TAHZEEB
AND ORS

VERSUS

SHAIKH JAFAR SHAIKH ANWAR L.RS. SAIDABI SK JAFAR AND
ORS

WITH

SECOND APPEAL NO. 304 OF 2007

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Advocate for Applicants : Mr. Mandlik Pratap Pravin.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 13.06.2025

PER COURT :-

1. Applicants are praying for condonation of delay, setting aside abatement and bringing heirs of applicant No.1 Sayyed Moin Syed Abdullah on record. The applicants are the original plaintiffs against whom second appeal is filed. Applicant No.1 died on 02.08.2019 and survived by applicant Nos.1-A to 1-D as shown in title clause of the application.

2. Learned counsel for the applicants submits that for the reasons stated in paragraph No.4, it is desirable to condone the delay.

3. In fact, this application should have been filed by respondents, who are prosecuting second appeal. So, there is no reason to doubt the contents of the application stated in paragraph Nos.2 to 4. The cause of action survives against applicant Nos.1-A to 1-D. It is desirable to allow the application.

4. Application is allowed in terms of prayer clauses “A”, “B” and “D”.

5. Both parties shall be at liberty to amend the second appeal.

Second Appeal

6. In view of the orders passed in Civil Application No.8435 of 2023, learned counsel Mr. Mandlik waives notice for added respondent Nos.1-A to 1-D.

(SHAILESH P. BRAHME, J.)

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vmk/-