



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 3746 OF 2025
IN SA/162/1994

Sayed Akbar Sayyed Mahaboob L.rs. Sayyed Afsar And Others

VERSUS

Laxman Ambu Salve And Others

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Mr. Sujit R. Varma h/f. Mr. Paranjape for appellant No.3

Mr. Avinash M. Lavharate h/f. Mr. Milind Patil, Advocate for Applicants

Mr. P. V. Mandlik, Advocate for Respondent Nos.1 and 2.

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WITH

SECOND APPEAL NO. 162 OF 1994

WITH

CIVIL APPLICATION NO. 3747 OF 2025 IN SA/162/1994

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CORAM : ROHIT W. JOSHI, J.

DATE : 2ND APRIL, 2025

P.C.:

CIVIL APPLICATION NO.3747 OF 2025:

1. Appellant No.1 has expired. His legal representatives have moved the present application for bringing their names on record. There is a delay of 309 days in filing the said application. A prayer is made seeking condonation of delay. It is informed by the learned Counsel appearing for the appellant that appellant No.1 had expired during Covid-19 lockdown period and the applicants came to know about the appeal being listed for hearing only after receiving Court notice.

2. In that view of the matter I am of the opinion that the delay is satisfactorily explained and deserves to be condoned.

3. Civil Application is allowed. Delay in filing application for bringing legal representatives of deceased appellant No.1 is condoned and names of applicant Nos.1-a to 1-f are permitted to be brought on record as legal representatives of deceased appellant No.1.

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4. In view of the fact that appellant No.3 has sold a part of the suit property to one Mohammad Khalil in the year 1999 who has in turn sold the said property to late Abdul Salam who is survived by his son Abdul Majid, the appellants have filed the present application for impleading the name of Abdul Majid as appellant No.3 in the present Second Appeal by deleting the name of original appellant No.3- Ghanshyam Changoji Khillare.

5. Vide order dated 20.04.1994, the present appeal was admitted and interim relief granting stay to the execution of the decree was granted by this Court. In this backdrop appellant No.3 has sold a part of the suit property without leave of the Court.

6. In such circumstances, it will be appropriate that appellant No.3- Ghanshyam Changoji Khillare remains as a party on record and Abdul Majid is added as appellant No.3(a).

7. Necessary amendment be carried out within a period of two weeks from today.

8. Civil Application is disposed of accordingly.

[ROHIT W. JOSHI J.]