

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15124 OF 2024
IN
FIRST APPEAL NO.583 OF 2001

Mohd. Iqbal Patel
(since deceased) through LR
Mohd, Afzaal s/o. Iqbal Patel
& Others .. Applicants.

In the matter between
Mohd. Iqbal Patel .. Appellant.
v/s.
Municipal Corporation of
Greater Mumbai .. Respondent.

Adv. Y. E. Mooman, for the Applicants/ Appellant.
Adv. Pallavi Khale i/b. Adv. Komal Punjabi, for the Respondent-BMC.

CORAM: FIRDOSH P. POONIWALLA,J.
DATE : 25th SEPTEMBER, 2025.

P. C:-

1 By an Order dated 3rd July, 2024 passed by this Court, the present Appeal was dismissed as abated and liberty was granted to file Application for setting aside the abatement order.

2 It is in these circumstances that the present Interim Application has been filed for setting aside the Order of abatement and for condoning the delay in filing the present Interim Application.

3 The learned Advocate appearing on behalf of the Respondent-Corporation vehemently opposed the granting of any relief in this Interim Application.

4 I have perused the Interim Application. In my view, the Applicants have made out a sufficient case for condoning the delay in filing the present Interim Application and for setting aside the abatement of this Appeal.

5 In these circumstances, the following order is passed:-

- (a) The delay in filing this Interim Application is condoned;
- (b) The abatement of the Appeal is set aside;
- (c) The Applicants are permitted to be brought on record in place of the Appellant in the Appeal;
- (d) Amendment to be carried out within a period of three weeks from today and amended copy served on the Respondent by that date;
- (e) The Interim Application is disposed of.

(FIRDOSH P. POONIWALLA,J.)