

SAINATH

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16010 OF 2025**

Mohsin S/o Sayed Ahmed Momin ..Petitioner

Versus

Bajirao Kushaba Morde & Ors ...Respondents

Mr. Girish Palav a/w Gaurav Shenoy, for the Petitioner.

Mr. Hamid Mulla, AGP for Respondent Nos. 5A to 5C.

CORAM: N. J. JAMADAR, J.

DATE : 03rd DECEMBER 2025

P.C.:

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 24th September, 2025 passed by the learned Civil Judge, whereby the learned Civil Judge has allowed the application preferred to set aside the abatement of Defendant No. 1 – Sayyad Ahmed Kamaruddin Momin and bring the legal representatives of the the deceased Defendant No. 1.
3. The petitioner/Defendant No. 2 is the son of Defendant No. 1. The petitioner was already on record as a party defendant when the Defendant No. 1 passed away. As the estate of the

deceased Defendant No. 1 was represented by the petitioner/Defendant No 2, no question of abatement arises.

4. In view of the matter, there is no propriety in entertaining the petition.

5. The petition stands dismissed.

[N. J. JAMADAR, J.]