

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 662 OF 2025.

IN

FIRST APPEAL NO. 1284 OF 2014.

Shakeel Ahmed Khalid Ahmed Ansari
(since deceased, through LRs)

...Applicants.

In the matter between :

Shakeel Ahmed Khalid Ahmed Ansari

...Appellant.

Versus

MHADA

...Respondent.

Ms. Aditi Naikare i/b Mr. Pradeep Thorat for Appellant.
None for Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : 20th February, 2025.

P. C. :

1. Interim Application has been preferred seeking to bring the legal heirs of deceased-sole Appellant on record and for condonation of delay of 1 year, 6 months and 19 days caused in preferring the Interim Application and for setting aside the abatement.
2. Learned counsel appearing for Applicant submits that during the pendency of First Appeal, the sole Appellant expired intestate on 13th March, 2023 leaving behind Applicant Nos. 1A to 1C as legal heirs. She would further submit that Applicants who are the legal heirs were not

aware of legal procedure that upon death of Appellant, they are required to approach the Advocate for making the necessary Application to bring them on record and therefore, the delay has been caused.

3. None appears for Respondent though served.

4. The Application specifically pleads that legal heirs who are the Applicants in the present case were unaware of legal procedure that they had to contact their Advocate and take necessary steps for bringing themselves in place of the deceased-Appellant.

5. The Appeal is of the year 2014 and sole Appellant had expired on 13th March, 2023. The explanation which has been tendered is sufficient explanation as the proceedings were not listed for hearing and therefore, there was no occasion for either Appellant or the legal heirs to be contacted by Advocate for taking instructions.

6. In light of the above, there is sufficient explanation to condone the delay, delay stands condoned and abatement is set aside.

7. Interim Application is allowed. Amendment to be carried out within a period of 3 weeks from today.

[Sharmila U. Deshmukh, J.]