

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.255 OF 2023**

Jubeda Mahammad Yusuf Patel
since deceased through legal heir
1.1 Shafiq Mahammad Yusuf Patel ...Appellant

Versus

Abdul Aziz Hussainmiya Patel
since deceased through legal heirs
Fatima Abdul Aziz Patel & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.14820 OF 2023
IN
SECOND APPEAL NO.255 OF 2023**

Jubeda Mahammad Yusuf Patel
since deceased through legal heir
1.1 Shafiq Mahammad Yusuf Patel ...Applicant

Versus

Abdul Aziz Hussainmiya Patel
since deceased through legal heirs
Fatima Abdul Aziz Patel & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.3391 OF 2023
IN
SECOND APPEAL NO.255 OF 2023**

Jubeda Mahammad Yusuf Patel
since deceased through legal heir
1.1 Shafiq Mahammad Yusuf Patel ...Applicant

Versus

Abdul Aziz Hussainmiya Patel
since deceased through legal heirs
Fatima Abdul Aziz Patel & Ors. ...Respondents

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WITH
INTERIM APPLICATION (ST) NO.27022 OF 2025
IN
SECOND APPEAL NO.255 OF 2023

Jubeda Mahammad Yusuf Patel
since deceased through legal heir
1.1 Shafiq Mahammad Yusuf Patel ...Applicant
Versus
Abdul Aziz Hussainmiya Patel
since deceased through legal heirs
Fatima Abdul Aziz Patel & Ors. ...Respondents

WITH
INTERIM APPLICATION (ST) NO.26975 OF 2025
IN
SECOND APPEAL NO.255 OF 2023

Jubeda Mahammad Yusuf Patel
since deceased through legal heir
1.1 Shafiq Mahammad Yusuf Patel ...Applicant
Versus
Abdul Aziz Hussainmiya Patel
since deceased through legal heirs
Fatima Abdul Aziz Patel & Ors. ...Respondents

Mr. S. S. Kulkarni i/b. Mr. Sujay S. Palshikar, for the Appellant.
Mr. Jeetendra Sacchhdev a/w. Mr. Aniket Gharat i/b. SS Legal, for
the Respondent Nos.1.1 and 1.2.
Mr. Shon Gadgil, for the Respondent No.23.

CORAM: MADHAV J. JAMDAR, J.
DATED : 26th AUGUST 2025

P. C.:

INTERIM APPLICATION (ST) NO.26975 OF 2025 (INTERIM
APPLICATION NO.11329 OF 2025)

1. This Interim Application is taken out to bring on record the legal heirs and representatives of the Respondent No.9.
2. Learned Counsel appearing for the Respondents strongly opposes the Interim Application.
3. However, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (a), (b) and (c).
4. Amendment be carried out within a period of two weeks from today. Copy of the amended Second Appeal be served on the Respondents within a week thereafter.
5. Accordingly, the interim Application is disposed of in above terms with no order as to costs.

INTERIM APPLICATION (ST) NO.27022 OF 2025 (INTERIM APPLICATION NO.11327 OF 2025

1. This Interim Application is taken out seeking prayer to delete the name of deceased Respondent Nos.19.1 and 19.5 and also the name of the Respondent No.21.

2. For the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (a), (b), (c) and (d).

3. Amendment be carried out within a period of two weeks from today. Copy of the amended Second Appeal be served on the Respondents within a week thereafter.

4. Accordingly, the interim Application is disposed of in above terms with no order as to costs.

SECOND APPEAL NO.255 OF 2023:

1. Stand over to 17th September 2025.

2. Parties are put to notice that subject to the convenience of the Court, the Second Appeal will be heard finally at the admission stage.

[MADHAV J. JAMDAR, J.]