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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.38751 OF 2025
(FOR BRINGING LEGAL HEIRS)

WITH
INTERIM APPLICATION (ST) NO.40608 OF 2025
(FOR DELAY CONDONATION)

IN
FIRST APPEAL (ST) NO. 40607 OF 2025

Mohammad Naeem Mohammad Alim Khan & Ors. ... Applicants

In the matter between

Late Mohammad Alim Yar Mohammad (Since Deceased)

Represented Though Lrs.1(a) to 1(d) ... Appellants

V/s.

Municipal Corporation Of
Greater Mumbai

... Respondent

Mr. Rajesh Singh a/w. Mr. Rahul Singh for Applicants.

Mr. Pradeep M. Patil for Respondent (MCGM).

CORAM : M.M. SATHAYE, J.

DATE : 23rd DECEMBER, 2025

P.C. :

1. IA(ST)/40608/2025 filed for delay condonation of 18 days in filing first appeal. IA/38751/2025 is filed for bringing legal heirs of original Plaintiff on record of the present first appeal. There is delay of about 129 days in filing this application, considering date of death of sole Plaintiff.

2. Heard learned counsel for the Applicants and learned counsel for Respondent-Municipal Corporation. The facts of this case are rather peculiar.

3. It is pointed out from the record that on 17.2.2025, the hearing of the suit was adjourned for arguments on 10.03.2025. It is not

disputed that on 10.03.2025, written submissions were filed on behalf of the Plaintiff. The sole Plaintiff expired on 14.05.2025, i.e. after the written arguments were filed and the hearing was concluded. However, the impugned judgment and decree is passed thereafter on 17.10.2025.

4. Learned counsel for the Applicants invited attention of the Court to the order dated 01.12.2025, which is passed on Chamber Summons taken out by the legal heirs of original Plaintiff for impleading them as Plaintiff Nos.1(a) to 1(d). The Trial Court vide its order dated 01.12.2025 has held that since the suit is already disposed of, the chamber summons for joining legal heirs of sole Plaintiff cannot be entertained and accordingly leave was refused to register the Chamber Summons.

5. However, on the same day, an order was passed below Exh.44/C continuing the order of status quo and directing the Respondent-Municipal Corporation not to take coercive action in respect of suit premises for a period of 4 weeks.

6. Learned counsel for Respondent-Municipal Corporation has submitted to the orders of the Court.

7. In the aforesaid facts and circumstances, considering that the sole Plaintiff expired after the arguments were concluded and the fact of death as well as details of the legal heirs were not available with the learned advocate for the Plaintiff when the decree was passed, sufficient cause for condonation of delay as well as case for bringing legal heirs of sole Plaintiff is made out.

8. Hence **both the applications are allowed**. The Applicants (legal heirs of sole Plaintiff) are permitted to be brought on record as Appellant Nos.1(a) to 1(d). Delay in filing appeal is condoned. Necessary amendment to be carried out before 16.01.2026.
9. Both the applications are disposed of in the above terms.

(M.M. SATHAYE, J.)