

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

42 INTERIM APPLICATION NO. 38 OF 2026
IN
WRIT PETITION NO. 5558 OF 2019

NIJAM AAPPA FAKIR THR. LRS. RABANBI NIJAM FAKIR AND ORS.

VERSUS
MATIN HASAN FAKIR AND ORS.

...
Advocate for Respondents : Mr. Naveen Khaire (through V.C.)

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 15.06.2026

PER COURT :

The applicants seek to bring legal heirs of deceased Nijam Appa Fakir on record.

2. There is delay in preferring the application. The cause of action survives as against heirs of deceased petitioner. No *mala fides* can be inferred on the part of the applicants in preferring the application belatedly. The delay stands condoned, abatement is set aside. Leave is granted to bring on record legal heirs of deceased petitioner. Amendment shall be carried out within four weeks.

3. Interim Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-