



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAS) NO.424/2026
AND
CIVIL APPLICATION (CAS) NO.425/2026
IN
SECOND APPEAL NO.55/2023

Jamrunnisa Begum Wd/o Syed Naziruddin and others
...Versus...
Syed Sharifuddin S/o Syed Raqibuddin and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. A.C. Dharmadhikari, Advocate for appellants

CORAM : ROHIT W. JOSHI, J.
DATE : 06/04/2026

1. These applications are filed for condonation of delay of 253 days caused in filing application for bringing legal heirs of respondent No.1 on record, setting aside abatement and for bringing legal heirs of deceased respondent No.1 on record.
2. It is stated in the applications that the appellants could not file applications within prescribed period since they were not aware about all the names and other particulars of legal heirs of deceased respondent No.1.
3. The legal heirs of respondent No.1, though served, have not filed reply opposing the applications.
4. Accepting the explanation, delay of 253 days caused in filing application for bringing legal heirs of respondent No.1 on record is condoned, abatement of appeal against the respondent No.1 is set aside and the appellants are permitted to bring legal heirs of deceased respondent No.1 on

record. Amendment be carried out on or before 17/04/2026.

5. Advocate Ms Ragini Swami waives service of notice for the legal representatives of deceased respondent No.1 in Second Appeal.

6. Civil Applications are allowed and disposed of accordingly.

CIVIL APPLICATION (CAS) NO.664/2025

AND

CIVIL APPLICATION (CAS) NO.665/2025

IN

SECOND APPEAL NO.55/2023

7. These applications are filed for condonation of delay of 601 days caused in filing application for bringing legal heirs of appellant No.7 on record, setting aside abatement and for bringing legal heirs of deceased appellant No.7 on record.

8. Perusal of record indicates that there are ten appellants in the appeal, who are original defendant Nos.1 to 10. Parties are litigating since the year 1983 when the civil suit was filed. The appellant No.7 has expired on 29/07/2023. Although delay is not properly explained, having regard to the fact that litigation is going on since the year 1983 and the appellants are diligently contesting the same, in the considered opinion of this Court, Civil Applications deserve to be allowed. Hence, the Civil Applications are allowed. Delay in filing application for bringing legal heirs of deceased appellant No.7 on record is condoned, abatement is set aside and the appellants are permitted to bring the legal representatives of deceased appellant No.7 on record. Amendment be carried out on or before 17/04/2026.

CIVIL APPLICATION (CAS) NO.666/2025
AND
CIVIL APPLICATION (CAS) NO.667/2025
IN
SECOND APPEAL NO.55/2023

9. These applications are filed for condonation of delay of 427 days caused in filing application for bringing legal heirs of deceased appellant No.4 on record, setting aside abatement and for bringing legal heirs of deceased appellant No.4 on record.

10. Perusal of record indicates that there are ten appellants in the appeal, who are original defendant Nos.1 to 10. Parties are litigating since the year 1983 when the civil suit was filed. The appellant No.4 has expired on 18/01/2024. Although delay is not properly explained, having regard to the fact that litigation is going on since the year 1983 and the appellants are diligently contesting the same, in the considered opinion of this Court, Civil Applications deserve to be allowed. Hence, the Civil Applications are allowed. Delay in filing application for bringing legal heirs of deceased appellant No.4 on record is condoned, abatement is set aside and the appellants are permitted to bring the legal representatives of deceased appellant No.4 on record. Amendment be carried out on or before 17/04/2026.

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11. Stand over 22/04/2026.

(ROHIT W. JOSHI, J.)