

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1052 OF 2004
WITH
CIVIL APPLICATION NO.450 OF 2010
IN

SECOND APPEAL NO.1052 OF 2004
WITH
CIVIL APPLICATION NO.1296 OF 2004
IN

SECOND APPEAL NO.1052 OF 2004
WITH
CIVIL APPLICATION NO.1295 OF 2004
IN

SECOND APPEAL NO.1052 OF 2004

Esmail Shaikh Mohd. ...Appellant/Applicant

V/S

Allisaheb Ibrahim Shaikh

Deceased, LRs, A.A. Shaikh & Ors. ...Respondents

...

WITH
SECOND APPEAL NO.363 OF 2011
WITH
INTERIM APPLICATION (STAMP) NO.25377 OF 2023
IN
SECOND APPEAL NO.363 OF 2011

Haji Jainaaabi Kutubuddin Shaikh & Ors. ...Appellants/Applicants

V/S

Mohd. Amin Alisaheb Shaikh & Ors. ...Respondents

...

WITH
SECOND APPEAL NO.1053 OF 2004
WITH

INTERIM APPLICATION NO.15039 OF 2023
IN
SECOND APPEAL NO.1053 OF 2004
WITH
CIVIL APPLICATION NO.1086 OF 2006
IN
SECOND APPEAL NO.1053 OF 2004
WITH
CIVIL APPLICATION NO.1299 OF 2004
IN
SECOND APPEAL NO.1053 OF 2004
WITH
CIVIL APPLICATION NO.448 OF 2010
IN
SECOND APPEAL NO.1053 OF 2004
WITH
CIVIL APPLICATION NO.1300 OF 2004
IN
SECOND APPEAL NO.1053 OF 2004

Jagannath Gosavi Jadhav & Anr.

...Appellants/Applicants

V/S

Allisaheb Ibrahim Shaikh

(deceased) through LRs

A.A. Shaikh & Ors.

...Respondents

...

Nne for the Appellants/Applicants.

Mr. S.M. Gorwadkar i/b Mr. Satyajeet H. Joshi a/w Mr. Chinmay Joshi for
Respondents in SA Nos.1052 of 2004, 1053 of 2004 and 363 of 2011.

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CORAM: SANDEEP V. MARNE, J.

DATE : NOVEMBER 28, 2023.

PC.:

1 The learned Counsel appearing for the Respondents in Second Appeal No.1052 of 2004 would submit that the sole Appellant had expired in the year 2018 and that the learned Counsel appearing for the Appellant has not taken any steps for bringing the legal heirs of the deceased Appellant on record. According to the learned Counsel the Appeal has accordingly abated. Mr. Joshi, the learned Counsel appearing for the Appellant would seek time to take necessary steps to bring on record the legal heirs of the deceased Appellant.

2 If indeed the death of the sole Appellant has taken place in the year 2018, the Appeal has already abated. It is for the learned Counsel appearing for the Appellant to take necessary steps to apply for setting aside the order of abatement. As and when learned Counsel appearing for the Appellant files any Application for setting aside the abatement, the same can be circulated for orders.

3 Remove from Board.

(SANDEEP V. MARNE, J.)