

Sumedh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3917 OF 2019
WITH
INTERIM APPLICATION NO.3748 OF 2019
IN
FIRST APPEAL NO.499 OF 1982**

Sabirabai Mohamed Siddiqui ... Applicant
V/s.
Mohamed Rashid Mohamed
Bashir (deceased) Thr. LRS & Ors. ... Respondents

Mr. A.K. Mulla for the Applicant.
Mr. Chaitanya Narvekar i/by M.L. Patil for Respondent Nos.1 and
2 and i/by T.S. Ingale for Respondent No.3.

CORAM : KAMAL KHATA, J.

DATED : 15TH DECEMBER 2025.

P.C. :

1. The Advocate for Respondent Nos. 1, 2 and 3 submits that Respondent Nos. 1, 2 and 3 have expired and their legal heirs have been brought on record. However, the Advocate has not taken steps to seek discharge from the matter till date.
2. The Advocate for the Applicant submits that it has been five years since the Respondents have expired, yet their Advocate has failed to take appropriate steps for discharge. After five years, time is once again being sought from the Court to take such steps.

3. I find that the negligence of the Advocate is apparent, in not having taken appropriate steps to seek discharge, which has resulted in delay in the adjudication of the matter. Such repeated requests for time contribute to matters being kept pending unnecessarily. However, in the interest of justice, the Court has necessarily to grant time to the legal heirs to appoint an Advocate to represent them causing delay in adjudication.

4. With a view to afford a final opportunity to the Respondents, and considering that the matter pertains to the year 1982, the matter be listed on 8th January 2026 for final hearing.

5. The Appellants shall file and serve a consolidated list of dates and events, written submissions structured as a point-wise reply to the opponent's contentions within two weeks from today. The Respondents shall do the same within two weeks thereafter.

6. All the contesting Respondents are hereby informed that if they remain unrepresented on the next date, the Court shall proceed to hear the matter *ex parte*.

7. The Advocate for the Applicant shall inform to contesting Respondents about this order by digital mode and private service.

(KAMAL KHATA, J.)