

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

FIRST APPEAL No. 225/2002.

Union of India

-VERSUS-

Mohd. Yusuf Mohd. Ishaque and another.

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

Court's or Judge's orders.

Shri S.J. Khandalkar, Advocate for Appellant.
Smt. S.W. Deshpande, Advocate for R.No.1-C.
Shri A.D.Sonak, A.G.P. for Respondent No.2.

CORAM : S.A. BOBDE AND
S.B. DESHMUKH, JJ.

DATED : 28.04.2011.

Civil Application No. 1043/2011.

Heard learned Counsel for the parties.

This is an application for bringing legal representatives of deceased respondent no.1A on record. Smt. Deshpande, learned Counsel appearing on behalf of proposed L.R.No.1[C] Smt. Sultana wd/o Mohd. Sharif objects to the bringing of applicant Nos. 4 to 7 on the ground that, some of the legal heirs are not

the legal heirs and it is the Muslim Law of inheritance by which the parties are governed. It is therefore, necessary to direct the Civil Judge, Senior Division, Nagpur to try the question of legal representatives and return the record together with evidence, if any, recorded while trying the said question, along with its findings and reasons as required by Order XXII Rule 5 of Code of Civil Procedure. The Civil Judge, Senior Division, Nagpur shall undertake this exercise and comply with the requirement of law within a period of 6 months from the date the parties appear before it, and submit report to this Court accordingly. Parties are directed to appear before the Civil Court on 06.06.2011.

Civil Application stands disposed of.

JUDGE

JUDGE

Rgd