



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

SECOND APPEAL NO.25 OF 2015

Nitin A. Niswade **Vs.** Sakhubai G. Kulte and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. U. V. Chakravarty, Advocate for applicant/appellant.
Mrs. R. D. Raskar, Advocate for non-applicant/respondent No.1.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 02.09.2026.

**CIVIL APPLICATION NO.1177 OF 2026 AND 1176 OF
2026**

. The appellant - applicant has filed the present applications for condonation of delay of 801 days caused in filing the application for bringing legal representatives of deceased respondent No.7 on record and for setting aside abatement.

2. Learned counsel for the appellant has stated that he came to know about the death of respondent No.7 when the learned counsel for respondents has filed the pursis about his death. Thereafter, he took steps for bringing legal representatives on record and for setting aside abatement.

3. Learned counsel for the respondent objected stating that, they are the neighboring land owners and therefore, he must be aware about the death of respondent No.7.

4. Learned counsel for the appellant has further stated that the land was given for cultivation to some other persons and that he was not aware about the death of respondent No.7. He came to know about the same only after filing of pursis and, therefore, there is a delay.

5. Considering the reasons given in the applications, the applications are **allowed**. Delay of 801 days is condoned. The abatement is set aside, subject to payment of costs of **Rs.5,000/-** in the following account :-

Account Name : Public Welfare Account
Account No. : 129112010001014
Bank Name : Union Bank of India,
Branch Name : High Court, Civil Lines, Nagpur
IFSC Code : UBIN0812978.

6. Cost be deposited before **09.09.2026**.

7. Appellant to carry out the amendment within a period of two weeks.

8. After amendment being carried out, issue notice to the proposed legal representatives of deceased respondent No.7, returnable after four weeks.

9. Ms. Raskar, learned Advocate, waves service of notice on behalf of proposed legal representatives of deceased respondent No.7.

CIVIL APPLICATION NO.1175 OF 2026

10. The applicants - respondents filed the present application for grant of early hearing as the appellant has restrained the respondents from using the way.

11. Considering the age of the respondents, who are senior citizens and the appeal is of the year 2015, the application is **allowed** and **disposed of**.

SECOND APPEAL NO.25 OF 2015.

12. List the matter in the final hearing board.

(MRS. VRUSHALI V. JOSHI, J.)

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