

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Civil Application (CAF) Nos. 325, 326 and 802 of 2015
in

FIRST APPEAL No. 224 of 2005

(Kisana S/o Sadashiv Nagrale through his L.Rs. Smt. Kamala wd/o Kisana Nagrale and ors.
Vs. Vitthal S/o Tanbaji Khode and anr.)

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

Court's or Judge's Order

.....
Ms. Sonali Sawre, Adv. H/f Shri Bharat Vora, Advocate for
appellants/applicants
Shri Dhore, Advocate for respondent no. 1
Mrs. Mrunal Naik, Advocate for respondent no. 2

CORAM: A. S. CHANDURKAR J.

DATED: 7-4-2015.

By these applications, it is prayed
that abatement of the appeal be set aside by
condoning the delay in bringing on record
legal representatives of the sole appellant.

Applications are opposed by the
learned counsel for respondent no. 2 on the
ground that compensation was sought on
account of injuries sustained in the accident
and cause of action does not survive on
account of death of the appellant.

The objection regarding survival of cause of action is required to be adjudicated on merits after hearing the legal representatives. Hence, the civil applications are allowed.

The abatement is set aside and legal representatives are permitted to be brought on record.

Cause title be amended within a period of one week.

The objections on merits of the respondents are kept open.

The civil applications are disposed of.

JUDGE

wasnik