

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

CIVIL APPLICATION (CAF) NOS. 580, 581 & 582 OF 2015
IN
FIRST APPEAL NO. 1652 OF 2008.

V. I. D. C. Wardha Vs. Durgaprasad Marotrao Wankhede & Ors.

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

Court's or Judge's Order

Shri A. V. Palshikar Adv for applicants.
Smt. M. N. Hiwase AGP for respondents 2 to 4.
Shri N. R. Saboo Adv for respondent 1.

CORAM: A. S. CHANDURKAR J.

DATED: MARCH 31, 2015.

By this application prayer is made to set aside the abatement of the appeal against respondent no.1 who expired on 14.08.2009. It is stated that information in this regard was received only when pursis was filed by the counsel for respondent no.1.

The application is opposed by learned counsel appearing for legal representatives of respondent no. 1. It is submitted that in First Appeal No. 1293 of 2008 similar applications were moved in the year 2013 and hence the reasons as assigned may not be accepted.

It is submitted by the learned counsel for the applicant

that the name of deceased was shown differently in the other First Appeal and hence aforesaid delay has been caused. Considering the reasons assigned, it cannot be said that the delay has been deliberately caused. Hence the applications are allowed. The abatement of the first appeal is set aside and after condoning the delay the legal representatives are permitted to be brought on record. Amendment be carried out within a period of two weeks. Shri N. R. Saboo, learned counsel waives notice on behalf of newly added respondents. Applications are disposed of.

Civil Application (CAF) No. 431 of 2015: Prayer is to grant stay to the impugned award passed by the Reference Court. If the applicant deposits in this Court the entire amount within a period of 8 weeks from today then during pendency of the first appeal the execution of the impugned award shall remain stayed. Civil application disposed of.

JUDGE