

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 280 of 2015
IN
Second Appeal No. 456 of 2005
[Vijayrao Anantkumar Patil Vs. Vishnudas Ramdas Rathod & others]

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

Court's or Judge's orders

Mr. Nitin Vyawahare, Adv., for the appellant.
Mr. S.A. Marathe, Adv., for respondent nos. 1-1 to 1-6.

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CORAM : A.B. CHAUDHARI, J.

DATE : 01st March, 2016

This is an application for condonation of delay in setting aside abatement and for setting aside abatement following the death of respondent no.1, Vishnudas Ramdas Rathod.

Heard learned Counsel for the applicant and learned Adv. for the proposed legal heirs of deceased respondent no1, who opposed the application.

Accepting the reasons furnished in the application to be sufficient and satisfactory, and though the application is opposed, in view of the fact that the legal heirs being the sons and daughter of the deceased respondent no.1, the appellant has a right to continue prosecution of the appeal against them, the application

is allowed, delay is condoned and abatement is set aside.

Civil Application No.281 of 2015 :

This is an applications to bring on record the legal heirs of deceased respondent no.1.

For the reasons stated in the application, the application is allowed. Amendment be carried out within three weeks.

Judge

[hedau]