

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

Civil Application [CAS] No.473 of 2015
and
Civil Application [CAS] No.474 of 2015
and
Civil Application [CAS] No.548 of 2015
in
Second Appeal No.461 of 2008

(Smt. Mathurabai Jagatrao Turuk and others
vs.
Sudhakar Jagdeorao Awachare and others)

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

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Court's or Judge's Orders

Ms. P.V. Khare, Advocate h/f Shri A.M. Gedam, Advocate
for non-applicant/respondent Nos.1 to 7.

CORAM : A.S. CHANDURKAR, J.
DATE : APRIL 13, 2016.

The prayer is to set aside the abatement of the appeal against appellant No.2 after condoning the delay. It is stated that appellant No.2 expired on 30/03/2012, however, communication to other appellants was not possible. Hence, there is delay in filing these applications.

The applications are opposed by the learned Counsel appearing for non-applicant Nos.1 to 7. It is stated that the reasons mentioned in the applications are not sufficient.

Considering the averments made in paragraph 2 of Civil Application No.474/2015, the abatement of the appeal against appellant No.2 is set aside after condoning the delay.

The legal representatives of appellant No.2 are permitted to be brought on record. The amendment be carried out within a period of one week from today.

The applications are allowed and disposed of.

JUDGE

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