

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 927 of 2015
IN
Second Appeal No. 167 of 2003
[Motiram Bhivaji Shinde Vs. Nandu Motiram Shinde]

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

Court's or Judge's orders

Ms. U.R. Tanna, Adv., for the applicant.
Mr. R.V. Gaikwad, Adv., for respondent sole.

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CORAM : A.B. CHAUDHARI, J.

DATE : 09th March, 2016

By this application, the applicant, who is the son of original appellant, Motiram Bhivaji Shinde, requests to condone the delay in bringing on record his name along with the name of his one brother and one grand-son as legal representatives of deceased appellant and also to condone the delay in setting aside the abatement following the death of the appellant.

Heard learned counsel for the applicant, and learned Adv. for the deceased respondent, who has no objection.

Accepting the reasons furnished in the application to be sufficient and satisfactory, and

moreover, the application is not opposed, and in view of the fact that the legal heirs being the sons and grand-son of the deceased appellant, they have a right to continue prosecution of the appeal, the application is allowed, delay is condoned.

Civil Appln. No. 928/15 :

This is an application to set aside abatement.

Heard.

For the reasons stated in the application, the application is allowed and abatement is set aside.

Civil Appln. No. 929/15 :

This is an application to bring on record the names of the two sons and one grand-son as legal heirs of deceased appellant.

Heard.

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

Civil Appln. No. 930/15 :

By this application, the applicant, who is the son of original appellant, Motiram Bhivaji Shinde, requests to condone the delay in bringing on record the names of legal representatives of deceased respondent, Nandu Motiram Shinde, and also to condone the delay in setting aside the abatement following the death of the respondent.

Heard learned counsel for the applicant, and learned Adv. for the deceased respondent, who does not oppose the application.

Accepting the reasons furnished in the application to be sufficient and satisfactory, and though the application is not opposed, in view of the fact that the legal heirs being the widow and sons of the deceased respondent, applicant has a right to continue prosecution of the appeal against them, the application is allowed, delay is condoned.

Civil Appln. No. 931/15 :

This is an application to set aside abatement.

Heard.

For the reasons stated in the application, the application is allowed and abatement is set aside.

Civil Appln. No. 932/15 :

This is an application to bring on record the names of the widow and two sons as legal heirs of deceased respondent.

Heard.

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

Judge