

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

CIVIL APPLICATION (S) NOS. 47, 48 & 49 2017.
IN
MCAST NO.17861 OF 2015
IN
S.A.NO.543 OF 1991

SMT. ANJANIBAI WD/O MAHADEO PRAGAT AND OTHERS
VS.
SHRI GAJANAN VITHOBAJI KHARWADE AND OTHERS

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

Court's or Judge's orders

Shri R. R. Chougule, Advocate for the appellants.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 14, 2017.

By these applications, it is prayed that the legal heirs of the respondent no.1 be permitted to be brought on record. In the application, it is stated that during pendency of the proceedings, the respondent no.1 expired. In the meanwhile, the appeal itself was dismissed for failure to pay Bhatta.

The application is opposed by the learned Counsel appearing for the legal representatives of the respondent no.1. However, considering the reasons mentioned in the applications, same are allowed. The legal Representatives of the respondent no.1 are permitted to be brought on record after condoning the delay and setting aside

the abatement.

Amendment be carried out within one week from today.

CIVIL APPLICATION NO.1763 OF 2015.

On the oral request made by the learned Counsel for the applicants, the name of respondent no.3(5) is permitted to be deleted at their risk.

Amendment be carried out forthwith.

By this application it is prayed that the second appeal be restored as it was dismissed on account of failure to pay Bhatta. In the application, it is stated that the applicants were not aware about this order and hence the delay.

The application is opposed by the learned Counsel for the legal heirs of the respondent no.1. However, considering the reasons mentioned in the application, the delay stands condoned.

Civil Application is allowed and disposed of.

MCAST NO.17861/2015.

The name of respondent 3(5) is permitted to be deleted at their risk.

Though the prayer for restoration of the appeal is opposed by the learned Counsel for the legal heirs of the respondent no.1, considering the reasons mentioned, the appeal is restored to file.

Misc. Civil Application is allowed and disposed of.

SECOND APPEAL NO.543 OF 1991.

Shri S. R. Deshpande, learned Counsel waives notice on behalf of legal heirs of the respondent no.1.

The appellants to serve the respondent nos.3(1) to 3(4) by paying process fees.

In addition, service be effected by registered post with acknowledgement due.

The name of respondent no.3(5) is permitted to be deleted at the risk of the appellants.

Notice returnable on 21-8-2017.

JUDGE

/MULEY/