

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No. 631 of 2015
IN
Misc. Civil Application St. No. 5364 of 2015
IN
Second Appeal No. 230 of 2007
[Kailas Manik Aroo & another Vs. Kausalyabai Rameshwar Sarda & another]

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

Court's or Judge's orders

Mr. V. K. Paliwal, Adv., for the applicants.
Mr. C.A. Joshi, Adv., for respondent no.2.

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CORAM : A. S. CHANDURKAR, J.

DATE : 24th August, 2017

By this application, it is prayed that the delay in filing application for restoration of the Second Appeal be condoned.

Considering the reasons mentioned in the application, the delay stands condoned.

Application is allowed and disposed of.

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Misc. Civil Civil Application St. No.5364 of 2015 :

By this application, it is prayed that the order dismissing the Second Appeal for want of prosecution be recalled and the appeal be restored to file.

Prayer is opposed by the learned counsel for non-applicant no.2.

As the learned counsel for the applicants expressed willingness to argue the appeal on merits, the order dated 24th March, 2014 is recalled and appeal is restored to file.

Misc. Civil Application is disposed of.

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Civil Civil Application Nos.632, 633 & 634 all of 2015 :

By these applications, it is prayed that the delay in bringing the legal heirs of appellant no.1 be condoned, abatement be set aside and the legal heirs of deceased appellant no.1 be permitted to be brought on record.

These applications are opposed by Shri C.A. Joshi, learned counsel for non-applicant no.2.

However, considering the reasons mentioned in

all the applications and the fact that the father of appellant no.1 is already on record, the delay stands condoned. After setting aside the abatement, the legal heirs are permitted to be brought on record.

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Civil Application No.729 of 2016 :

For reasons stated, name of respondent no.1 is permitted to be deleted from the array of parties. Amendment be carried out forthwith.

Civil Application is disposed of.

Judge

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