

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

CIVIL APPLICATION (CAO) NOS.717, 718 AND 719 OF 2017
IN
SECOND APPEAL NO.366 OF 2001

Wamanrao s/o Narhar Behare (Dead) Thr. Le gal heirs Shalini Ramnath Dhok and ors.

-vs-

The State of Maha. The. Collector, Akola and ors.

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

Court's or Judge's Orders.

Shri R. S. Kalangiwale, Advocate for applicants.
Shri A. D. Sonak, AGP for respondents/non-
applicants.

CORAM : A.S.CHANDURKAR, J.
DATE : AUGUST 07, 2017

C.A.O. NOS.717, 718 AND 719 OF 2017

By these applications it is prayed that the delay in bringing on record legal heirs of appellant No.2 be condoned after setting aside abatement.

It is stated that the estate of the deceased was represented by legal heirs of appellant No.1 and appellant No.3. Notice was issued on 19/06/2017 and respondent No.3 is duly served.

Hence accepting the averments made in the applications, the legal heirs of appellant No.2 are permitted to be brought on record. The cause title be amended within period of one week from today.

Applications are allowed and disposed of.

C.A.O Nos.720 and 721 of 2017

Considering reasons mentioned in both the applications and as prayer is not opposed by respondent No.3, both the applications are allowed. After condoning delay, order dated 30/01/2014 dismissing appeal against respondent No.3 stands recalled. The appeal is restored against respondent No.3.

Applications are disposed of.

C.A.O No.716 of 2017

By this application it is prayed that the delay in filing review application be condoned. Reasons for delay are mentioned in paragraph 3 and 4 of the application.

By order dated 19/06/2017, respondent No.3 was directed to be served by substituted service. This service is complete and respondent No.3 was put on notice that the prayer for condoning delay of 378 days in filing the review application would be considered. Despite service, there is no appearance on behalf of respondent No.3.

The application is opposed by Shri Sonak, learned Assistant Government Pleader for respondent Nos.1 and 2 on the ground that the delay has not been properly explained. It is submitted that the applicants are not diligent in prosecuting the proceedings.

Considering the reasons mentioned in the application and after perusing the order dated 08/03/2016, I am satisfied that a case has been made out for condoning delay in filing the review application. Hence delay in filing review application stands

condoned.

Civil application is allowed and disposed of.

M.C.A. St. No.9307 of 2017

Put up on **14/08/2017** for further consideration.

JUDGE

Asmita