

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] Nos.1156, 1157 & 1158 all of 2016

IN

Misc. Civil Application St. No. 9954 of 2016

IN

Second Appeal No. 218 of 1995 [decided]
[Ukarda Kitaji Pilatre (dead) through legal heirs & others Vs. Devlal Devman Gerate (Aghadte)]

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

Court's or Judge's orders

Mr. C. A. Joshi, Adv., for the applicants.

**CORAM : - - - -
A. S. CHANDURKAR, J.**

DATE : 05th July, 2017

By these applications, the applicants are sought to be brought on record as legal heirs of the original appellant who expired on 6th April, 2003.

In the application, it is stated that the applicants were not aware about the pendency of the proceedings and they got knowledge about the same only on 29th April, 2016.

The non-applicant has been served with the notice of aforesaid application. There is no reply filed to oppose the prayer made in the application. Hence, accepting the reasons mentioned in the application, the delay is condoned after setting aside the abatement. The applicants are permitted to be brought on record as

legal heirs of the sole appellant. Amendment be carried out within a period of one week from today.

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Civil Application No. 1155 of 2016 :

Prayer is to restore the Second Appeal after condoning the delay. Reasons for the delay are mentioned in para 3 of the application and there is no appearance on behalf of the non-applicant despite service of the application.

Hence, accepting the reasons mentioned in the application, the delay is condoned and the appeal is restored.

Civil Application is disposed of.

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Second Appeal No. 218 of 1995 :

Issue notice for final disposal of the appeal to the respondent, returnable on 24th July, 2017. Appellants to serve the respondent by obtaining Hamdast.

Judge