

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

Civil Application no. 3001/2017

V.I.D.C though Executive Engineer, Bembla Project Division, Yavatmal
Vs
Shebrao Pundlikrao Nagpure (D) 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 J.B.Kasat, Adv. for the applicant/appellant
A.G.P for the respondent/State.

CORAM : S.B.Shukre, J.

DATE : 19.7.2017.

Heard Learned Counsel for the applicant,
learned Counsel for Original respondent nos. 1 & 2 and
learned A.G.P for the State.

It seems from the record that an application
had been filed by the Original appellant seeking leave of
the Court to condone delay which had occurred in
bringing on record the legal representatives and also for
setting aside the order of abatement as against
respondent no. 3. This Court passed a specific order on
3.5.2017 condoning the delay and setting aside the order
of abatement as against respondent no.3. The legal
representatives of respondent no.3 were permitted to be
brought on record within a period of one week from that
day and it was directed that on failure to do so within
the stipulated period, the matter shall stand dismissed
without further reference to the Court.

However, subsequently on the next day, First

Appeal Stamp No.1266/2016 came to be disposed of since this Court saw no merit in it. However, dismissal of the appeal would not change the Order dated 3rd May, 2017 and therefore, this order can still be implemented. Accordingly, it is directed that the order dated 3rd May, 2017 be carried out into effect by the appellant by bringing on record the legal heirs of deceased respondent no. 3 as per the list already submitted along with Civil Application no. 1960/2017 immediately and in case the original appellant fails in carrying out this order, the legal heirs of respondent no. 3 or legal heirs of respondent no. 1 & 2 are permitted to complete the exercise. It may be carried out within 3 days from the date of the order.

In view of the above, Civil Application Nos. 3001/2017, 3002/2017 and 3003/2017 are rendered infructuous and are disposed off accordingly.

JUDGE

A.P. Ansari