

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

SECOND APPEAL NO.407 OF 2016

Bhukru s/o Bisen Thote. Thr. LRs and anr

..vs..

Jadhorao Lanjewar, thr. LRs and ors

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

Court's or Judge's Order

Shri N.G. Solov, Counsel for the appellants.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 3, 2017.

Civil Application Nos.866, 867, and 868 of 2016

Heard learned counsel Shri N.G. Solov for the
applicants/appellants.

Civil Application No.866 of 2016 is an application
for setting aside abatement. Civil Application No.867 of 2016 is
an application for bringing legal representatives of one
Jadhaorao on record. Civil Application No.868 of 2016 is an
application for condonation of delay in moving applications for
setting aside abatement and for bringing legal representatives
on record.

On all these three applications on 3.7.2017 notices
were issued.

Office note dated 22.9.2017 shows that proposed
legal representatives of Jadhaorao are served on these

applications.

These civil applications were listed before this Court on 6.10.2017 for further consideration. Though the proposed legal representatives were served on these applications, on the said day none appeared. Therefore, in order to give a chance to them, the matter was directed to be placed today.

Today also, nobody has filed Vakalatnama for and on behalf of the proposed legal representatives nor any of one is present in the Court. All these applications are on affidavits. Thus, statements made in applications on affidavits are remained uncontroverted.

In that view of the matter, the applications are allowed and disposed of.

The applicants/appellants to amend the cause title bringing legal representatives of Jadhaorao on record of this second appeal within a period of one week.

Second Appeal No.407 of 2016

Heard.

Issue notices of final disposal to the respondents, returnable after four weeks, on following substantial question of law:

(i) As to whether dismissal of appeal as having

abated was sustainable in the light of the reply
given by the legal representatives to the
application for condonation of delay?

JUDGE

!! BRW !!