

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Civil Application [CAF] Nos. 2051,2052 & 2053 all of 2015**  
**IN**  
**First Appeal No. 791 of 2006**  
**[State of Mah. & another Vs. Devsingh Lachchu Rathod]**

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

Court's or Judge's orders

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Mr. Kadu, AGP for applicants.  
Mr. R. M. Bhangde, Adv., for the respondent .

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

**DATE : 23rd March, 2017**

The applicants pray that the delay in bringing on record the legal representatives of the sole respondent be condoned after setting aside the abatement. In the application, it is stated that the sole respondent expired on 9<sup>th</sup> September, 2012 and on the basis of Pursis filed by the counsel for the said respondent, the knowledge of the aforesaid fact was got.

The application is opposed by the learned counsel for the legal heirs of sole respondent. It is submitted that the reasons stated are not sufficient as the details were supplied in the pursis itself.

Perusal of the record indicates that the aforesaid Pursis though dated 8<sup>th</sup> November, 2012 has been filed on 29<sup>th</sup> November, 2014. The present applications have

been sworn on 27<sup>th</sup> July, 2015. Thus, accepting the reasons mentioned in the application, the abatement of the appeal is set aside. After condoning the delay, the legal heirs of sole respondent are permitted to be brought on record.

Applications are allowed and disposed of.

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**First Appeal No. 791 of 2006 :**

Shri R.M. Bhangde, learned counsel, waives notice on behalf of legal heirs of the sole respondent.

**Judge**

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