

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

CIVIL APPLICATION [CAS] NO.978 OF 2017
WITH
CIVIL APPLICATION [CAS] NO.979 OF 2017
IN
SECOND APPEAL NO.135 OF 2014

(Bapurao Sitaram Metkar and others
 vs.
 Sarjabai w/o Bapurao Ghawas & others)

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

Court's or Judge's Orders

CORAM : V.M. DESHPANDE, J.
DATE : 29th NOVEMBER, 2017.

Heard Shri K.S. Narwade, learned Counsel for the applicants/appellants.

The present second appeal is already admitted and it is pending for its final hearing. During pendency of the appeal, respondent no.6-Narmadabai w/o Piraji Kharate expired on 03/05/2017. Therefore, the applicants/appellants have filed application for bringing her legal representatives on record. The said application is registered as Civil Application No.979/2017. For bringing the legal representatives of deceased-Narmadabai, there is a delay of 34 days. Therefore, the application for condonation of delay for moving the application for bringing the legal representatives is filed and the said application is registered as Civil Application No.978/2017. Notices on this application were issued to the proposed legal representatives of deceased-Narmadabai. They are served.

Shri G.M. Kubade, learned Counsel is appearing on their behalf. For condonation of delay, he is having objection.

However, for the reasons stated in the application for condonation of delay, the delay is condoned in moving the application for bringing the legal representatives on record. Consequently, Civil Application No.978/2017 is allowed. So also Civil Application No.979/2017 for bringing the legal representatives of deceased-Narmadabai and also for setting aside abatement is allowed. Applicants are directed to incorporate the names of the legal representatives of deceased Narmadabai, whose names are mentioned in paragraph 2 of Civil Application No.979/2017 within a period of two weeks from today.

Shri Kubade, learned Counsel waives service of notice on their behalf on merits also.

Both the applications are allowed and disposed of accordingly.

JUDGE

**sdw*