

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application Nos. 1109, 1110 and 1111 all of 2016
IN
Second Appeal No.231 of 2006
[Patel Bothle Karku (dead) Vs. Ramu Bothle & others]

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

Court's or Judge's orders

Mr. N. R. Saboo, Adv., for the applicants.
 Mr. Fule, Adv., holding for Mr. P.R. Agrawal, Adv., for respondent Nos.
 1 (i to iii) & 2.

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CORAM : A. S. CHANDURKAR, J.

DATE : 28th June, 2017

By these applications, it is prayed that the legal heirs of the sole appellant be brought on record after setting aside the abatement and condoning the delay.

In the application, it has been stated that after the death of the sole appellant, the respondent no.2 sought to compromise certain litigations with regard to Survey Nos. 4 and 5 of Mouza Aki. Various orders were thereafter passed. It was not disclosed by the said respondent that the present proceedings are pending. One of the applicants received a notice on 3rd September, 2016, after which on making enquiries, knowledge of the present proceedings was obtained. It is, therefore, prayed that the application be allowed.

The application is opposed by the learned

counsel for the respondents on the ground that the reasons furnished are not sufficient.

Considering the averments made in paragraphs 2 to 4 along with various documents filed on record, I do not find that the delay has been deliberately caused. Accepting the reasons mentioned in the application, the same is allowed. The abatement is set aside and after condoning the delay, the legal heirs are permitted to be brought on record.

The applications are allowed. Amendment be carried out within a period of one week from today.

Judge

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