

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

SECOND APPEAL NO.446 OF 2003

Natthu s/o Narayan Shiral and ors

..vs..

Chandrabhushan Dubey and ors

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

Court's or Judge's Order

Shri Bhushan Dafle, Counsel for the appellants.

Shri Amit Kukday, Counsel for R-1 & 2.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 8, 2017.

Civil Application Nos.1341 and 1342/2017

1. Heard learned counsel Shri Bhushan Dafle for the applicants/appellants.

2. Civil Application No.1342 of 2017 is for bringing legal representatives of deceased respondent Nos.1 and 2 on record. Since there is a delay of 11 years and 11 months in filing an application for bringing legal representatives, Civil Application No.1341 of 2017 is filed for condonation of delay.

3. According to the applicants/appellants, knowledge of death came to them only on 2.11.2017 when this second appeal was called out for final hearing and on that day it was informed by learned counsel Shri Amit Kukday for respondent Nos.1 and 2

that respondent Nos.1 and 2 have expired. Consequently, these two applications are filed.

4. Learned counsel Shri Amit Kukday submits that he has instructions to appear on behalf of legal representatives of respondent Nos.1 and 2 whose names are mentioned in Civil Application No.1342 of 2017. He further submits that as per the instructions given to him by the proposed legal representatives of respondent Nos.1 and 2, he has no objection if these applications are allowed.

5. Consequently, both these applications are allowed.

6. Delay is condoned. Legal representatives of respondent Nos.1 and 2 be brought on record by making necessary amendment in the cause title within a period of two weeks from today.

7. Learned counsel Shri Amit Kukday waives Notices on behalf of newly added respondents of this second appeal on merits.

8. The civil applications are allowed and disposed of accordingly.

JUDGE

!! BRW !!

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