

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

CAO NO.1227/2018 IN CAF NO.3710/2016 IN FIRST APPEAL ST. NO.14893/2016

[Executive Engineer, Minor Irrigation Division, Wardha, Tahsil and District-Wardha .vs. Mahadeo s/o Sitaram Raut and others]

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

Court's or Judge's orders

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Shri S.K. Bhoyar, Advocate for Appellant,
Shri C.R. Najbile, Advocate for Respondent no.1,
Mrs. A.R. Kulkarni, AGP for Respondent nos.2 and 3.

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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 23, 2018.

This is an application for condonation of delay in filing application for setting aside abatement application and application for setting aside abatement in bringing legal heirs of respondent no.1 on record.

Heard the learned counsel for the parties.

For the reasons mentioned in the application, I am satisfied that the delay of 879 days can be condoned. Hence, the delay of 879 days is hereby condoned. The application stands disposed of.

CAO NO.1228/2018

This is an application for bringing legal heirs of respondent no.1 on record.

The learned counsel for respondent no.1 has filed pursis stating that respondent no.1 died on 1.11.2015 leaving behind his legal heirs.

Heard the learned counsel for the parties.

Since applicant wants to bring the legal heirs of deceased respondent no.1 on record and as the cause of action in the instant appeal survives against them, the names of the legal heirs need to be brought on record. Hence, the application is hereby allowed and appellant is allowed to bring the names of 1-a to 1-d on record as legal representatives of deceased respondent no.1. The appellant is allowed to carry out the amendment in the cause title within a period of two weeks.

Shri C.R. Najbile, learned counsel waives notice on behalf of the legal representatives.

JUDGE