

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] Nos. 1330 & 1331 both of 2017
IN
Second Appeal No.456 of 2016
[Mahadev Govindrao Devtare Vs. Babaji Vikram Lonare & 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. B. Kalwaghe, Adv., for the applicant.
Mr. K. N. Khed, Adv., for legal heirs of respondent no.1.

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CORAM : A. S. CHANDURKAR, J.

DATE : 31st January, 2018

By these applications, it is prayed that the delay in bringing on record the legal heirs of respondent no.4 and setting aside abatement be condoned, abatement be set aside and they be permitted to be brought on record. Reasons for the delay in taking steps have been mentioned in the application.

The legal heirs though served, they have not chosen to contest the applications.

Hence, the applications are allowed. After condoning the delay and setting aside abatement, the legal heirs of respondent no.4 are permitted to be brought on record. Amendment be carried out within one week.

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Civil Application Nos.1332 & 1333 both of 2017 :

By these applications, it is prayed that the delay in bringing on record the legal heirs of respondent no.1 and setting aside abatement be condoned, abatement be set aside and they be permitted to be brought on record. In the application, it is stated that the respondent no.1 was a resident of Nagpur, while the applicant was residing at Bhandara. After the notices were issued, the applicant got knowledge that the respondent no.1 has expired.

The applications are opposed by the learned counsel for the legal heirs of respondent no.1 on the ground that the explanation is not sufficient.

Considering reasons mentioned in the applications which are found to be acceptable, the abatement is set aside and the delay in bringing on record the legal heirs is condoned. The legal heirs are permitted to be brought on record. Amendment be carried out within one week.

The applications are allowed.

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Second Appeal No. 456 of 2016 :

Put up for admission on 13th February, 2018.

Judge

