

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

CIVIL APPLICATION (CAS) NO.1575, 1576 & 1577 OF 2017
IN
SECOND APPEAL NO.661 OF 2004

Shankar s/o Nathu Meshram and anr.
-vs-
Ramesh s/o Baburao Chopkar and ors.

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

Court's or Judge's Orders.

Shri V. K. Paliwal, Advocate for appellants/applicants.
Shri N. G. Solao, Advocate for respondent Nos.1 & 2.
Ms M. Deshmukh, AGP for respondent Nos.3, 4 and 5.

CORAM : A.S.CHANDURKAR, J.
DATE : January 09, 2018

By these applications it is prayed that the abatement of the appeal against appellant No.2 be set aside and after condoning the delay his legal heirs be permitted to be brought on record.

In the application it is stated that appellant No.2 expired on 18/01/2012. As the appeal is of the year 2004 and it was pending for hearing, the applicants were not aware about further steps to be taken.

The applications are opposed by learned counsel for the non-applicant Nos.1 and 2 on the ground that the reasons mentioned are not sufficient. The delay is inordinate and hence the applications deserve to be rejected.

The record indicates that the appeal is of the year 2004. It was admitted and was pending for hearing.

Appellant No.1 is the brother of appellant No.2 and therefore the estate of the deceased was represented. By accepting reasons mentioned in the applications, the delay stands condoned. The legal heirs are permitted to be brought on record. Amendment be carried out within period of one week.

Applications are disposed of.

JUDGE