

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

CIVIL APPLICATION (CAA) NO. 17 OF 2019
IN
APPEAL AGAINST ORDER NO. 31 OF 2017
WITH
CIVIL APPLICATION (CAA) NO. 18 OF 2019
IN
APPEAL AGAINST ORDER NO. 31 OF 2017
WITH
CIVIL APPLICATION (CAA) NO. 19 OF 2019
IN
APPEAL AGAINST ORDER NO. 31 OF 2017

Abdul Rashid S/o Abdul Wahab & Anr.Vs. Dharamdas Melumal Ramani & Ors.

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

Court's or Judge's orders.

Shri B.C. Pal, Counsel for the appellants/plaintiffs
Shri R.S. Suryawanshi, Counsel for the respondent
no.3.

CORAM : S.M. MODAK, J.
DATE : 20th SEPTEMBER, 2019.

The original defendant no. 2(a) Abdul Bhashir S/o Abdul Wahab expired on 1st April, 2017. The present appellants/original plaintiffs got knowledge about the same on the basis of bailiff's report. He is having in all eight legal representatives who have been described in the Civil Application No. 18/2019. Notices of this application were served on

legal representatives of defendant no.2(a) Abdul Bashir who is present respondent no.3 in this appeal. The legal representatives of Abdul Bashir have put in their appearance. They are consenting for allowing this application.

2. Even though the copy of death certificate is not on record, both the sides are admitting about the death of present respondent no.3. The appellants could not move this application in time. That is why they are seeking for setting aside the abatement and other reliefs. The knowledge about the death cannot be disputed. Hence, the directions:-

ORDER

- i. All these applications are allowed.
- ii. The dismissal of the appeal against respondent no.3 is set aside.
- iii. The delay caused in bringing his legal representatives is condoned.
- iv. The legal representatives of respondent no.3 i.e 3(a) to 3(h) are taken on record. Necessary amendment be carried

out.

- v. The legal representatives of respondent no.3 may be supplied with the copies of pleading and documents by the appellant.
- vi. Notice on the legal representatives of respondent no.3 is dispensed with the notice.
- vii. The legal representatives of respondent no.3 are directed to file copy of death certificate on the next date.

The applications are disposed of.

JUDGE