

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

CIVIL APPLICATION NOS.2182, 2181 & 2183 OF 2017
IN
FIRST APPEAL NO.454 OF 2005

VIDC Thr. Its Executive Engineer, Minor Irrigation Division, Pusad, Yavatmal

-vs-

Madhukar Nathuji Gole (dead), Thr. Lrs Pramod Madhukar Gole 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 A. B. Patil, Advocate for appellant/applicant.
Shri H. Deshpande, Advocate for LR of respondent No.1.
Ms H. N. Prabhu, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : February 21, 2019

By these applications it is prayed that the legal heirs of respondent No.1 be permitted to be brought on record after setting aside abatement and condoning the delay. In the applications it has been stated that though the claimant expired on 08/12/2013 this fact was brought to the notice of the Court only when the appeal was taken up for hearing. It is thus prayed that the legal heirs be permitted to be brought on record.

The application is opposed by learned counsel for the legal heirs of respondent No.1. It is submitted that the delay has not been properly explained.

The appeal is of the year 2005 and only when it was taken up for hearing in February 2017, the fact as to the death of respondent No.1 was informed by the learned counsel for the respondent No.1. There was

no other manner in which the appellant could have got knowledge about this fact. Hence accepting the reasons mentioned in the applications, the legal heirs are permitted to be brought on record after condoning the delay and setting aside the abatement.

Civil Applications are allowed and disposed of.

First Appeal No.454 of 2005

Shri H. Deshpande, learned counsel waives notice on behalf of the legal heirs of the respondent No.1.

Put up for hearing on **25/02/2019**.

JUDGE