

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

CIVIL APPLICATION (CAF) NO. 4459 OF 2019
WITH
CIVIL APPLICATION (CAF) NO. 4460 OF 2019
WITH
CIVIL APPLICATION (CAF) NO. 4461 OF 2019
IN
FIRST APPEAL NO. 422 OF 2019

Ramesh Vasant Rao Kale (dead) 2. Vijay Vasant Rao Kale and anr.
 ..vs..
 Chief Executive Engineer, Minor Canal Division and ors.

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

Court's or Judge's orders

Shri V.R. Deshpande, Advocate for appellants.

CORAM : VINAY JOSHI, J.
DATED : 17th DECEMBER, 2019

Heard.

2. These Civil Applications are for condonation of delay of 785 days caused in bringing legal heirs of deceased appellant no. 1 on record, for setting aside the abatement and for permission to bring the legal heirs on record.
3. It is stated that, due to ignorance, timely action was not taken to bring legal heirs on record. Pertinent to note that, reference was made by three brothers out of which one namely Ramesh Vasant Rao Kale expired.
4. Initially, the appeal was also filed by all three brothers and thereafter, during pendency, appellant no. 1,

expired. Obviously, rest of the two brothers were party to the proceeding, meaning thereby they were well aware about the death of their real brother. Despite that there happens to be delay of 785 days. Considering all these aspects, all civil applications are allowed, subject to applicants depositing costs of Rs.3,000/- with the High Court Legal Services Sub-Committee, Nagpur within a period of two weeks from today.

5. Applicants to carryout necessary amendment within two weeks from today.

JUDGE

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