

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

CIVIL APPLICATION (CAC) NO.3 OF 2018

IN

CIVIL REVISION APPLICATION (STAMP) NO.27826 OF 2017

(Ramkrushna Balram Janorkar (since deceased) through L.Rs. Smt. Kokila and others ..vs..
Dnyandeo s/o Narayan Barnate (since dead) through L.Rs. Smt. Yashodabai and others)

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

Court's or Judge's orders

Shri P.A. Kadu, Counsel for the applicants,
Ms. Deepali Sapkal, Counsel for the respondents.

CORAM : ROHIT B. DEO, J.

DATED : 14-10-2019

This application is taken out for condonation of 190 days delay in filing civil revision application. I was not inclined to condone the delay.

2. However, in order to satisfy the judicial conscious, I have perused the memo of revision and the grounds of challenge, and having done so, I am satisfied that the revision itself is not only without substance, is as vexatious as litigation could be.

3. The revision challenges an order of the trial Court permitting the children and wife of the deceased-plaintiff to come on record as legal heirs. The submission before the trial Court was that the right to sue did not survive, the submission is as frivolous as a submission could be and is rightly rejected by the trial Court. The plaintiff

Dnyandeo claimed ownership on the basis of Will executed by Tukaram Janorkar and on that basis sought permanent perpetual injunction.

4. The right to sue clearly survive.

5. The application for condonation of delay is dismissed.

JUDGE

adgokar