

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

**CIVIL APPLICATION NO. 347 OF 2017**  
**IN**  
**SECOND APPEAL NO. 320 OF 2003**

(Lahanubai W/o Sitaram Chalkh (dead) and others Vs. Dewaji Bondaku Bhandekar  
and others)

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

Court's or Judge's orders.

Shri G.S.Sengar, advocate h/f Shri Shrikant Deo,  
advocate for the appellants.

Mrs. Deshpande, counsel for the proposed LR's of  
respondent no.3.

**CORAM : ANIL S KILOR, J.**

**DATE : 17<sup>th</sup> FEBRUARY, 2020.**

This is an application for condonation of delay  
in bringing legal heirs of respondent no.3 on record  
and setting aside abatement.

2. Shri G.S.Sengar, learned counsel for the  
applicant submits that during pendency of present  
appeal, respondent no.3 expired, however, the  
applicants were not aware about the said fact and the  
applicant has got knowledge about the death of  
respondent no.3 on 30.03.2017. Thereafter, the  
present application has been moved for condonation  
of delay alongwith application for bringing legal

representatives of respondent no.3 on record and setting aside abatement.

3. Learned counsel for the applicant has pointed out the explanation given in the application more particularly in paragraphs 2 to 4. In the said backdrop, learned counsel for the applicants prayed for condonation of delay in filing the application for bringing the legal representatives of respondent no.3 on record

4. Mrs. Deshpande, learned counsel is appearing on behalf of proposed legal representatives of respondent no.3 namely Sewantabai Anandrao Naitam. However, for other legal representatives none present.

5. The present application was filed on 10<sup>th</sup> April, 2017 and though proposed legal representatives are served on this application, none of them have filed any reply opposing the present application.

6. In view of the fact that except Sewantabai Anandrao Naitam, other legal heirs of respondent no.3 appears to have no objection and they are not attending the present matter.

7. In view of the reasons given in paragraphs 2 to 4 in the application, delay caused in filing the application for bringing the legal representatives of respondent no.3 on record and setting aside the abatement is condoned.

8. Accordingly, the civil application is allowed and disposed of.

**CIVIL APPLICATION (CAS) NO. 348 OF 2017**

The applicant has filed this application for bringing the legal heirs of respondent no.3 on record.

2. For the reasons stated in the application, the application is allowed.

3. Applicant is permitted to bring the legal heirs of respondent no.3 on record.

4. Necessary amendment be carried out in the cause title within a period of one week.

5. Accordingly, the application is disposed of.

**CIVIL APPLICATION (CAS) NO. 1067 OF 2019**

**AND**

**CIVIL APPLICATION (CAS) NO. 1068 OF 2019**

Issue notice to the non-applicants, returnable  
on 9<sup>th</sup> March, 2020.

**JUDGE**

sknair