

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

CIVIL APPLICATION (CAF) NO. 4032/2019
AND
CIVIL APPLICATION (CAF) NO. 4033/2019
AND
CIVIL APPLICATION (CAF) NO.4034/2019
IN
FIRST APPEAL NO.376/2017.

Purushottam S/o Daulat Metangale and Anr.,
..VS..

State of Maharashtra, Represented by Collector, Buldhana and Anr.,

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

Court's or Judge's orders

Shri V. P. Maldhure, AGP for the respondent Nos.1 and 2.
Shri Uday Gosavi, Advocate for the respondent No.3.

CORAM : AVINASH G. GHAROTE, J.

DATED : 08th January, 2020

Three applications have been filed by the appellants. Civil Application No.4032/2019 is for setting aside the order of abatement against the appellant No.1 for not bringing the legal representative on record within time. Civil Application No.4033/2019 is for condonation of delay in bringing legal heirs of the deceased appellant No.1 on record, who has passed away on 02.09.2017. Civil application No.4034/2019 is for bringing the legal heirs of the deceased appellant No.1 on record.

None appears for the appellant.

Shri V. P. Maldhure, learned AGP appears for
the respondent Nos.1 and 2 and Shri Uday Gosavi,

learned counsel appears for respondent No.3. They have opposed the applications formally, however, since the appellant No.1 had passed away on 02.09.2017, the delay is of about 670 days. Reason stated in the application was that the appellants were not aware about bringing legal heirs on record, and the required steps to be taken and it came to their knowledge on 20.07.2019 when the counsel informed them telephonically about filing of paper book, pursuant to which the information was given and the present application was made.

Considering the reason given in the application, the Civil Application No.4033/2019 for condonation of delay in bringing legal heirs on record is allowed. Delay is condoned. For the reason stated in the application at Civil application No.4032/2019, the abatement against the appellant No.1 is set aside and the Civil Application No.4034/2019 for bringing legal heirs on record is allowed.

Appellant to take necessary steps as early as possible.

JUDGE