

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

Civil Application (CAS) No. 329 of 2021
in
Second Appeal No. 136 of 2018

Harish s/o Bhagwandas Sugandh and others
Versus

Dr. Narendrakumar s/o Bansilal Chaudhari (Jain) and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. S.H.Bhatia, advocate for the applicant.

Shri R.B.Gaikwad, advocate for the non-applicant no.1.

Shri Rohit Joshi, advocate for the non-applicant no.2.

CORAM : ANIL S. KILOR, J.

DATED : 9th DECEMBER, 2021.

Heard the learned counsel for the respective parties.

2. This is an application for condonation of delay of 5 months in bringing the legal heirs of respondent no.1 on record and setting aside abatement.

3. Learned counsel for the appellants submits that sufficient reason has been shown in the application more particularly in paragraph 2. It is further submitted that the delay was bonafide and not intentional.

4. Shri Gaikwad, learned counsel appearing for the non-applicant no.1 and Shri Joshi, learned counsel appearing for the non-applicant no.2 have no serious objection if the application is allowed.

5. Accordingly, as this Court has found reasons stated in the application as satisfactory and as there is no serious objection by the non-applicants, the delay caused in filing the application for bringing the legal representatives of respondent no. 1 and setting aside abatement is condoned.

6. The Civil Application is disposed of.

Civil Application (CAS) No. 330 of 2021.

1. Heard.

2. For the reasons stated in the application, the application is allowed. The appellants are permitted to bring the legal heirs of respondent no.1 on record.

3. Amendment be carried out within one week.

4. Civil Application is disposed of.

Civil Application (CAS) No. 328 of 2021.

1. Heard

2. For the reasons stated in the application, the abatement is set aside.

3. Civil Application is disposed of.

[ANIL S. KILOR, J.]

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