

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

Civil Application (CAO) No.559/2020
AND
Civil Application (CAO) No.560/2020
IN
Second Appeal No.527/2006

Gajanan Shankar Kauthkar (Dead) thr. L.Rs. & Anr. Vs. Sadashiv Shankarappa Kauthkar & Ors.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri C.A. Joshi, Advocate for the Appellants.
 Shri Pranav Deshmukh, Advocate h/f Shri D.R. Khapre, Advocate
 for Respondent No.2.

CORAM : S.M. MODAK, J.
DATE : 12th AUGUST, 2021.

Respondent No.5 expired. It came to knowledge of the appellants when the notice issued to her returned back unserved as dead. It is on 14th January, 2020. So the date of knowledge of death is considered while computing the period of limitation. According to appellants, there is a delay of 2890 days. The reasons mentioned in the application are convincing.

Hence, the delay of 2890 days is condoned. The name of respondent No.5-Smt. Narmadabai Walgaonkar be deleted and the names of her legal representatives be brought on record. Copy be supplied to the other side.

Both civil applications are disposed of.

Civil Application (CAO) No.561/2020

When the matter was fixed on 14th January, 2020, the appellants also came to know about the death of respondent No.4.

Respondent No.2 is the only legal representative of respondent No.4 who is already on record.

The appellants are permitted to describe the respondent No.2 as a legal representative of deceased respondent No.4.

The civil application is disposed of

Issue notice for final disposal to respondent Nos.1, 3 and the legal representatives of respondent No.5, returnable on 30th September, 2021.

JUDGE

vijay