

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

Civil Application (CAO) No.154/2021

AND

Civil Application (CAO) No.155/2021

AND

Civil Application (CAO) No.156/2021

AND

Civil Application (CAO) No.157/2021

AND

Civil Application (CAO) No.158/2021

IN

Miscellaneous Civil Application Stamp No.3012/2021

IN

First Appeal No.415/2006 (Dismissed)

Nitin s/o Vijay Shere Vs. State of Maharashtra, through its Secretary, Revenue Department,
Mantralaya, Mumbai & Ors.

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

Court's or Judge's Orders

Shri Irfan M. Ghongade, Advocate for the Appellant.
Ms. T.H. Udeshi, AGP for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 22nd FEBRUARY, 2021.

The applicant has filed applications for condoning the delay in filing applications for restoration of the appeal, setting aside of abatement and bringing on record the legal representatives of the deceased – Appellant.

Ms. T.H. Udeshi, learned AGP states that delay is inordinate and that no sufficient cause is made out to condone the delay.

The Appellant herein was a minor, represented by his mother as a guardian. It is stated that the minor - Appellant as well as the guardian expired and the present applications have been filed by

the father of the minor – Appellant. The Appellant, who is the father of the deceased – minor, has stated that he was under tremendous mental shock and turmoil due to the death of his son and wife.

The grounds stated in the application do not lack *bona fides* and constitute sufficient cause. Hence, the applications are allowed. Delay is condoned. Abatement is set aside. The legal representatives of the deceased – Appellant is ordered to be brought on record. Cause title be amended within one week. Appeal stands restored.

The civil applications stand disposed of.

Civil Application (CAO) No.159/2021

In view of the reasons stated in the application, the application is allowed. Matter be listed on final hearing board in the week commencing from 22nd March, 2021.

The civil application stands disposed of.

First Appeal No.415/2006

It is stated that in view of dismissal of the appeal, the record and proceedings have been returned.

Call for the record and proceedings.

(SMT. ANUJA PRABHUDESSAI, J.)