

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

FIRST APPEAL NO. 1375 OF 2008

(State of Mah. & ors. Vs. Bhaurao Madhaorao Lohare)

WITH

FIRST APPEAL NO. 1267 OF 2009 (D)

(Bhaurao Madhaorao Lohare Vs. State of Mah. & ors.)

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

Court's or Judge's Order

FA. No. 1375/2008

Shri A.R. Chutke, A.G.P. for the appellants/State.

Shri Abhay Sambre, Advocate for the respondent.

FA. No. 1267/2009

Shri Abhay Sambre, Advocate for the appellant.

Shri A.R. Chutke, A.G.P. for the respondent Nos. 1 & 2/State.

CORAM:- PUSHPA V. GANEDIWALA, J.

DATED :- AUGUST 04, 2021

**CIVIL APPLICATION NOS. 1464/2021,
1465/2021 and 1466/2021**

Heard.

The proposed legal representatives of the appellant-Bhaurao Madhaorao Lohare who is reported to be dead on 15/03/2016 are seeking permission to bring their names on record by condoning the delay and setting aside abatement.

For the reasons mentioned in the application for delay as stated in paragraph Nos. 3 and 4 of the

application and finding the same to be sufficient and satisfactory, the application is allowed.

The delay of 1876 caused in filing an application for setting aside abatement is condoned and abatement is set aside.

Proposed legal representatives of the appellant are permitted to be brought on record.

Necessary amendment be carried out within a period of one week.

FIRST APPEAL NO. 1375 OF 2008

Heard.

This is the State's appeal against the Judgment and Award dated 22/04/2004 passed by the Civil Judge, Senior Division, Kelapur in L.A.C. No. 241/2002.

The claimant also filed the cross appeal against the same Judgment and Award vide First Appeal No. 1267/2009.

The claimant i.e. Bhaurao Madhaorao Lohare is reported to be dead on 15/03/2016.

The legal representatives of the claimant - Bhaurao Madhaorao Lohare are already permitted to be brought on record in First Appeal No. 1267/2009 i.e. cross appeal.

Since the First Appeal No. 1375/2008 and First Appeal No. 1267/2009 are cross appeals and since Shri Sambre, learned counsel have no objection, the State

is permitted to bring legal representatives of the respondent on record.

Necessary amendment be carried out within a period of one week.

After effecting amendment, issue notice to the legal representatives of the respondent, returnable after one week.

Shri Sambre, learned counsel for the appellant waives service of notice for the legal representatives of the respondent - Bhaurao Madhaorao Lohare.

JUDGE

**DB*