

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

FIRST APPEAL NO.597 OF 2014

[Executive Engineer, Minor Irrigation Division, Washim ..**Vrs..** Kundlik
Vithoba Katekar and Anr.]

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

Court's or Judge's

Ms. A. S. Athalye, Advocate for Appellant
Shri. V. Paliwal, Advocate for LR's of Respondent No.1.

CORAM : **NITIN W. SAMBRE, J.**
DATE : **15th SEPTEMBER, 2021.**

1. First Appeal No.597 of 2014 in which, present Applications are moved was already withdrawn by Appellant.

CIVIL APPLICATION (F) NO.1811 OF 2021.

2. This is an Application for setting aside the abatement in substitution the name of Respondent No.1.

3. It is informed that Respondent No.1 has already expired.

CIVIL APPLICATION (F) NO.1812 OF 2021.

4. This is an Application for condonation of delay of 1306 days for bringing legal representatives of the deceased Respondent No.1 on record.

CIVIL APPLICATION (F) NO.1813 OF 2021.

5. This is an Application for bringing legal representatives of the deceased Respondent No.1 on record.

CIVIL APPLICATION (F) NO.1814 OF 2021.

6. This is an Application for permission to withdraw the balance amount deposited by Appellant.

7. Since the contentions raised in all these Applications are not controverted by the learned Counsel for original Appellant/Acquiring Body. All these Applications stand allowed, in terms of prayer clause, wherein the delay caused in moving an Application for setting aside abatement and bringing legal representatives on record stands condoned. The legal representatives are permitted to be brought on record with the appropriate amendment be carried out within a period of one week from today.

8. Once the amendment is carried out, the legal representatives of Respondent No.1 are permitted to withdraw the balance amount of compensation deposited in this Court with accrued interest thereon.

9. If the Appellant failed to carry out the amendment, there shall be open for legal representatives of Respondent No.1 to carry out the same.

(NITIN W. SAMBRE, J.)