

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

WRIT PETITION NO. 6505 OF 2019

Niranjan s/o Shankarrao Makeshwar Vs. Narayani Ashok Tidke

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

Court's or Judge's orders.

Shri A.S. Dhore, Advocate for petitioner.
Shri S.S. Alaspurkar, Advocate for respondent Nos.1 and 2.

CORAM : V.M. DESHPANDE, J.
DATE : 29th JANUARY, 2021.

By this writ petition the petitioners, who are the original defendants are challenging the order passed by the learned Civil Judge Senior Division, Amravati below Exhibit-91 in Regular Civil Suit No.454 of 2012, whereby the learned Court below has allowed the application and set aside the abatement and allowed the application for bringing the legal representatives.

(2) Heard Shri Dhore, learned counsel for the petitioner/original defendant and Shri Alaspurkar, learned counsel for the respondent/LRs of original plaintiff.

(3) Original plaintiff – Ashok Dadarao Tidke passed away at Chennai on 09.02.2019. The death certificate of Ashok is filed on record before the Court below along with list at Exhibit-95. The legal representatives are; wife and daughter of deceased – Ashok, who are residents of Tiruvallur in State of Tamil Nadu. There was 9 days delay

in filing the application for bringing the legal representatives on record. Since the death certificate is already on record and legal representatives are ladies, who are residents of Tamil Nadu, if such an application is moved on their behalf by Power of Attorney, exception cannot be taken for the same. The order passed which is impugned in this writ petition does not show any non application of mind. There is no merit in the writ petition, the writ petition is dismissed. No order as to costs.

JUDGE

Wagh