

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

Civil Application [CAS] No.1427 of 2018
in
Second Appeal St. No.900 of 2018

Smt. Anjanabai wd/o Laxminarayan Ramteke & another
vs.
Sudhakar Raghunath Ramteke & others

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

Court's or Judge's Orders

Mr. M.I. Mourya, Advocate for the Applicants/Appellants.
Mr. N.A. Gaikwad, Advocate for Respondent No.1.

CORAM : S.M. MODAK, J.
DATE : 6th JUNE, 2022.

Learned Advocates Mr. N.A. Gaikwad along with Mr. A.A. Naik, Mr. A.S. Manohar and Mr. A.A. Choube for respondent No.1 are discharged as learned Advocate Mr. W. Diagavane, holding for learned Advocate Mr. Harish Dangre, undertakes to file power for respondent No.1.

02] Respondent No.1 is granted time to file reply to this application.

Civil Application [CAO] Nos.63, 64, 65 & 66 of 2021:

Heard the learned Advocate for the applicants.

02] Even though sufficient time was granted to the applicants to furnish the correct address of respondent No.5, it was not supplied and, hence, the learned Registrar (Judicial) dismissed the appeal against respondent No.5 as per the order dated 05/03/2020.

03] During the course of verification of names, it was revealed to applicant No.2 that in fact the address is correct, but non-applicant No.5 expired on 31/08/2018 and the details of her legal representatives are given. This is mentioned in paragraphs 3 & 4 of Civil Application No.66/2021.

04] Learned Counsel for respondent No.1 is not opposing all these prayers. As the applicants were not known about the death of respondent No.5, necessary information could not be supplied to the learned Registrar (J). Hence, the order of dismissal needs to be set aside and the delay has to be condoned.

05] All the applications are allowed. Dismissal against non-applicant No.5 is set aside. The delay is condoned. Amendments to be carried out and notices be issued to the legal representatives mentioned in paragraph 4 of Civil Application No.66/2021.

06] The matter be kept on 27th June, 2022.

JUDGE

**sandesh*