

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

Civil Application [CAS] No.142 of 2022

in

Second Appeal No.60 of 2016

Mrs. Manjusha Hariram Ther

vs.

Gyaniram Banaji Ther & another

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

Court's or Judge's Orders

*Ms. Astha Sharma h/f Mr. P.R. Agrawal, Advocate for the Applicants.
 Mr. B.A. Bhendarkar, Advocate for Respondent No.1.*

CORAM : S.M. MODAK, J.

DATE : 14th JUNE, 2022.

The sole appellant expired on 23/02/2020. She is survived by two daughters and husband, who is respondent No.2. Copy of death certificate is annexed. There is no prayer for setting aside abatement and condonation of delay. It is for the reason that the Hon'ble Supreme Court in *Suo Moto Writ Petition*, has extended the period of limitation by various orders.

02] The prayer is opposed on behalf of respondent No.1-vendor. According to the learned Advocate for respondent No.1, there has to be a separate written application. I do not think that it is required for the simple reason that the order passed by the Hon'ble Apex Court is binding on us.

03] Hence, the application is allowed. The name of the sole appellant be deleted and the names of her daughters, as mentioned in paragraph 3 of the application, be added. The application is disposed of.

04] Respondent No.2-Hariram Ther is husband of the sole appellant. It will have to be decided, whether he will continue as

respondent No.2 or will have to be transposed as one of the appellants. The applicants to clarify this position on the next date. The amended copy of memo of appeal be served on the respondents.

05] The matter be kept after three weeks.

**sandesh*

JUDGE