

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

CIVIL APPLICATION (CAS) NOS. 395/2021, 394/2021 &
393/2021 IN SECOND APPEAL NO. 129/2002

Parwatabai W/o Bhimrao Dahake -- Appellant
Vs.
Namdeo Baliram Dahake & Others -- Respondents

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

Court's or Judge's orders

Mr. Nitin S. Munghate, Adv. h/f Mr. P.B. Agrawal, Adv. for Applicant
Ms. Astha Sharma, Advocate for Respondent No.1

CORAM : MANISH PITALE, J.

DATE : 24th MARCH 2022

These are the applications filed for bringing legal representatives of respondent No.2 on record along with prayers for condonation of delay in bringing the legal representatives on record and for setting aside abatement.

2. A perusal of the applications shows that according to the appellant, she became aware of the fact that the respondent No.2 expired on 20/09/2018, when the Bailiff report dated 01/12/2018, was noticed. Thereafter, details of the legal representatives of the said respondent were gathered and when the applications were proposed to be moved, lockdown was imposed due to Covid-19

pandemic. Eventually, the applications came to be filed on 15/03/2021, as a consequence of which there is a delay of 757 days in moving the application for bringing legal representatives of respondent No.2 on record.

3. This appeal is pending since the year 2002.

4. Considering the aforesaid facts, this Court is of the opinion that a case is made out for condonation of delay, setting aside of abatement and the legal representatives of respondent No.2 can be brought on record in the interest of justice.

5. Accordingly, the applications are allowed. Delay is condoned. Abatement is set aside and the legal representatives of deceased respondent No.2, details of whom are given in paragraph No.3 of the Civil Application (CAS) No.395/2021, are permitted to be brought on record.

6. Amendment to be carried out within one week from today.

7. Thereafter, issue notice to the legal representatives of respondent No.2, returnable in four weeks.

8. Applications are disposed of.

JUDGE