

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

CIVIL APPLICATION [CAF] NO.75 OF 2022
IN
CIVIL APPLICATION [CAF] NO.3688 OF 2018
IN
FIRST APPEAL NO.1074 OF 2016

[Executive Engineer, Khadakpurna Project, VIDC, Deolgaon Raja, Distt. Buldhana .vs. Trimbak s/o
 Arjun Mate and others]

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

Court's or Judge's orders

 Shri R.D. Kalra, Advocate for applicant-appellant,
 Shri S.D. Dharaskar, Adv. h/f Shri K.S. Narwade, Adv. for respondent
 nos.1 and 2,
 Shri M.A. Kadu, AGP for respondent nos.3 and 4.

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CORAM : SMT. M.S. JAWALKAR, J.
DATE : 05/09/2022.

Leave is granted to the appellant to correct the number of the respondents and proposed legal heirs as also to amend the prayer clause. Necessary amendment to be carried out within three days.

2. Present application is filed by the appellant for condonation of delay in filing the application for bringing the legal heirs of deceased Ramdas s/o Trimbak Mate i.e. respondent no.1(iii) and also grant of permission to bring legal heirs of the proposed legal heirs of deceased respondent no.1 (iii) on record and for setting aside abatement.

3. In spite of service, legal heirs of deceased Ramdas did not file any appearance.

4. The learned counsel appearing on behalf of respondent no. 1(i) & (ii) and 2 has no objection.

5. However, for the reasons stated in the application, the delay in bringing the legal heirs is hereby condoned. The abatement is set aside. The appellant is permitted to bring on record the legal heirs of deceased Ramdas Mate. Necessary amendment be carried out within one week in respect of bringing legal heirs of deceased Ramdas Mate. After amendment is carried out, issue fresh notice to the legal heirs of respondent no. 1 (iii), returnable within three weeks.

[Smt. M.S. Jawalkar, J.]

Gulande