

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

CIVIL APPLICATION (F) NO.1246 OF 2022

WITH

CIVIL APPLICATION (F) NO.1248 OF 2022

IN

FIRST APPEAL NO.738 OF 2008

{Subhash Ganeshmal Lodha ..V/s.. Pramod Bansiram Deshmukh thr.
his LR's}

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

Court's or Judge's order

Shri N. A. Waghmare, Advocate for LR's of Applicant/Appellant.

CORAM : ABHAY AHUJA, J.

DATE : 15th NOVEMBER, 2022.

1. By these applications, the legal heirs of deceased Appellant are sought to be brought on record after setting aside the abatement. There is also a delay of 1699 days.

2. Learned counsel draws the attention of this Court to paragraph 2 of the delay application to explain the delay. He submits that it is only, when the matter was listed on 09.03.2022 for final hearing before this Court that the counsel for the Appellant contacted the legal heirs viz. elder son of the Appellant, which is when the counsel was informed that the Appellant had expired on 10.06.2017. When the proceedings pending in this Court were disclosed to the family members, Counsel was informed that they were not aware about the filing of these proceedings. Learned counsel submits that however, after enquiring from the family members, counsel was informed that they would be interested in pursuing the appeal before the Court as

legal representatives of the deceased Appellant.

3. The Respondents though served are not present/represented.

4. Having heard learned counsel and having perused the application, the delay of 1699 days in filing the application for setting aside the abatement and bringing the legal heirs on record is hereby condoned. The abatement is set aside. Let the legal representatives of the deceased Appellant mentioned in paragraph 3 of the application for bringing the legal heirs, be brought on record. Let the amendments be carried out within a period of two weeks.

5. The application accordingly stands allowed and disposed. List on **05.12.2022**.

(JUDGE)

TAMBE