

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

CIVIL APPLICATION (CAO) NO.1672/2019
WITH
CIVIL APPLICATION (CAO) NO.1673/2019
WITH
CIVIL APPLICATION (CAO) NO.1674/2019
IN
MISC. CIVIL APPLICATION ST. NO.9078/2019
IN
SECOND APPEAL NO.240/1995

Mrs. Ashabai Diwakar Mulkalwar and others

Vs.

Mrs. Chhotibai Gopalsao Narware and others.

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

Court's or Judge's orders

Ms Manju M. Ghatode, Advocate, h/f Shri P.N. Sangidwar for appellant Nos.1 to 7
Shri S.G. Karmarkar, Advocate for respondent Nos.1 to 6

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 11/07/2022

Heard

2. Application No.1672/2019 is filed for condonation of delay in filing application for setting aside the abatement. Application No.1673/2019 is filed for condonation of delay in bringing legal representatives of appellant No.3 on record and Application No.1674/2019 is filed for bringing legal representatives of appellant No.3 on record.

3. It is informed by these applicants that appellant No.2 is the mother of appellant Nos.1, 3 & 4, who expired on 01/01/2010. However, legal representatives of appellant No.2 are on record. Hence permission is granted to delete the name of appellant No.2.

4. So far as appellant No.3 is concerned, he expired on 21/11/2004. As right to sue survive, it is prayed to bring legal representatives of appellant No.3 on record. There is delay of 5170 days in filing application. The delay is inordinate. However, considering the reasons mentioned in the application, the delay is hereby condoned subject to costs of Rs.5000/- to be paid to the respondents within a period of two weeks from today.

5. Application No.1673/2019 for condonation of delay is allowed.

6. Delay is hereby condoned in filing application for setting aside the abatement and bringing legal representatives on record.

7. Civil Application No.1674/2019 is allowed.

8. The appellant to bring all legal representatives of appellant No.3 on record.

9. Amendment to be carried out within one week.

10. After carrying out amendment, list the matter after **one week**.

JUDGE