

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

CIVIL APPLICATION (CAF) NO.1896 OF 2021
WITH
CIVIL APPLICATION (CAF) NO.1897 OF 2021
IN
CIVIL APPLICATION (CAF) NO. 3387 OF 2019
IN
FIRST APPEAL STAMP NO. 10600 OF 2019

Executive Engineer, Chandrabhaga Project, Achalpur, Tq. Achalpur, Distt. Amravati and another
 ..vs..
 Mahadeo Sitaram Pawade (Dead) through his Legal Heirs Saraswatibai Mahadeo Pawade 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 P.B. Patil, Advocate for applicant/appellant
 Shri M.V. Bute, Advocate for respondent Nos.1A to 1G/State
 Shri A.M. Kadukar, A.G.P. for respondent Nos. 2 & 3

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 11/02/2022

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. By these applications, the applicants have sought to condone the delay, setting aside the abatement and bringing on record the legal representatives of respondent no.1-C on record.

3. Shri Bute, who has represented respondent no.1-A, 1-B, 1-D to 1-G waived service on behalf of the legal representatives of respondent no.1-C. He states that Vakalatnama would be filed on or before next

date. Amendment be carried out within one week.

4. Learned Counsel Shri Bute, who is appearing for respondents including legal representatives of respondent no.1-C has no objection to condone the delay, to set aside the abatement and bringing on record the legal representatives of respondent no.1-C. In the light of the said statement and in view of the reasons stated in the application, delay is condoned. Abatement is set aside and legal representative of respondent no.1-C, whose names are specified in paragraph no.2 of the Civil Application No. 1897 of 2021 are ordered to be brought on record. Cause title be amended accordingly. Both Applications stand disposed of accordingly.

CIVIL APPLICATION (CAF) NO.3387 OF 2019

The appellants have sought to condone the delay of 1165 days in filing the appeal.

Shri Bute, learned Counsel appearing for respondents has no objection. In view of said statement and in view of reasons stated in the application, the delay is condoned. Applications stands disposed of. Appeal be registered upon removal of office objections, if any.

FIRST APPEAL OF 2022

Heard.

2. Admit.

3. Call for the record and proceedings.
4. Paper book to be filed within six months.
5. Learned Counsel Shri Bute waives service of notice on behalf of the respondents including legal representatives of respondent no.1-C.
6. Learned A.G.P. waives service of notice on behalf of respondent nos. 2 and 3.

JUDGE

R.S. Sahare