

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

CIVIL APPLICATION (CAS) NO. 1120/2022 IN
SECOND APPEAL NO. 655/2005

Bhaskar S/o Rushi Lanjewar and others

Vs.

Meerabai Wd/o Sadashiv Bankar and others

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

Court's or Judge's orders

Shri Sachin Sambre, Advocate h/f Shri M.P Khajanchi, Advocate for appellants
Shri Shriram Chopde, Advocate h/f Shri S.R. Pophali, Advocate for respondent Nos. 1 to 8

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 24/11/2022

Present application is filed for condonation of delay in bringing legal representatives of respondent No.5. It is submitted that the learned Counsel for respondents filed pursis dated 25/03/2022, informing that the respondent No.5 died on 23/05/2014. After knowing this fact, the steps are taken for bringing legal representatives of respondent No.5 on record. In view thereof, delay of around 2801 days has caused.

2. In view of this fact, there is no intentional or deliberate delay. Hence application is allowed. Delay in filing application for bringing legal representatives of respondent No.5 is hereby condoned.

CIVIL APPLICATION NOS. 1119/2022 & 1133/2022

Present applications are filed for setting aside abatement and for bringing legal representatives of respondent No.5 on record. Though Counsel for respondent opposed this application, as the appellant having relation with respondent No.5, I am inclined to allow the applications as it was intimated by Counsel for respondent on 25/03/2022 by way of pursis. The abatement is set aside. The application for bringing legal representatives of respondent No.5 is allowed.

2. Necessary amendment to be carried out within one week.
3. Learned Counsel for respondent no.5 waives service of notice for proposed legal representatives.

PURSIS STAMP NO. 4/22

Present pursis is filed informing that respondent No.1 expired on 14/11/2021 and her legal heirs are already on record. Along with pursis, Legal Heir Certificate is placed on record.

2. In view thereof, permission is granted to delete the name of respondent No.1.
3. Necessary amendment to be carried out within one week.

(SMT. M.S. JAWALKAR, J.)