

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

CIVIL APPLICATION (CAS) NO.764/2021

WITH

CIVIL APPLICATION (CAS) NO.766/2021

IN

SECOND APPEAL NO.545/2005

Ganpat Lahanuji Lanjewar (dead)

Vs.

Satyanarayan Shaligramji Rele 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 V.A. Kothale, Advocate for appellant

Shri K.B. Zinjarde, Advocate for respondent No.1

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

DATED : 11/07/2022

Heard.

2. The present applications are filed for condonation of delay in setting aside abatement and for bringing legal representatives of sole appellant/applicants on record. The applicants are legal representatives of deceased Ganpat Lahanuji Lanjewar who expired on 21/12/2006. The reason given for causing delay is that after matter was admitted, the legal representatives came to know about the pending appeal through the Counsel for deceased. On 30/11/2020, immediately, they contacted their Counsel and filed application for bringing their names on record. Applications supported by affidavit and death certificate is placed on record.

3. I am satisfied that delay was not intentional or deliberate and needs to be condoned. However, delay is of 14 years, therefore inconvenience caused to the respondents has to be duly compensated. Thus, application is allowed subject to costs of Rs.5000/- to be paid to the respondents. As right to sue survive, the applications are allowed.

4. Proposed legal representatives/applicants are permitted to substitute their names in place of deceased/appellant.

5. Necessary amendment to be carried out within ten days.

CIVIL APPLICATION (CAS) NO.765/2021

As the matter pertains to year 2005, list the matter high on board for final hearing after amendment is carried out within ten days.

Application is disposed of accordingly.

JUDGE

R.S. Sahare