

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

CIVIL APPLICATION (CAS) NO.731/2022

IN

SECOND APPEAL NO.137/2012

Rafiq Ahmed s/o Riyaz Ahmed

Vs.

Nagpur Municipal Corporation through its Municipal Commissioner, Nagpur 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 A.J. Mirza, Advocate for appellant
Shri Vinay Dahat, Adv. h/f Shri J.B. Kasat, Adv. for respondent Nos.1 & 2
Shri R.N. Badhe, Advocate for respondent No.3

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

DATED : 23/08/2022

In spite of service of notice, none present for the proposed legal representatives of respondent No.3.

2. In view thereof and for the reasons stated in the application, the application is allowed. The delay in filing application for setting aside the abatement in respect of respondent No.3 is hereby condoned.

3. The application is disposed of accordingly.

**CIVIL APPLICATION (CAS) NOS.732/2022, 733/2022 &
734/2022**

1. In spite of service, none appear for the proposed legal representatives of respondent No.3.

2. The application is allowed. The abatement in respect of respondent No.3 is hereby set aside.

3. The legal representatives of deceased respondent No.3 are permitted to bring on record.
4. Necessary amendment to be carried out within two weeks.
5. After amendment is carried out, issue notice to the legal representatives of respondent No.3, returnable within **three weeks**.
6. The applications are disposed of.

JUDGE

R.S. Sahare