

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

CIVIL APPLICATION (CAF) NO. 1935/2022 IN
FIRST APPEAL NO. 732/2017

Executive Engineer, Lower Wardha Project Division, Wardha Vs.
Pralhad Krushnarao Asole 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 S.K. Bhoyar, Advocate for appellant
Shri D.R. Bhoyar, Advocate for respondent No.1

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

DATE : 26/08/2022

The application is filed for condonation of delay in filing application for setting aside abatement. The application is silent on the point when the applicant got knowledge about the death. Counsel for respondent No.1 who is also appearing for proposed legal representatives of respondent No.1 submits that the pursis was filed one year prior to filing of this application. As such, there is no reason whatsoever for condonation of delay. However, considering the administrative formalities to be followed, I am inclined to condone the delay subject to costs. Accordingly, I proceed to pass the following order:

ORDER

1. Application is allowed.
2. Application for condonation of delay in filing application for setting aside abatement is hereby allowed, subject to costs of Rs.2000/- to be deposited within two weeks.

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The present application is filed for bringing legal representatives of deceased respondent No.1.

2. For the reasons stated in the application, the application is allowed.

3. The applicant is permitted to bring names of deceased respondent No.1 on record.

4. Learned Counsel for respondent no.1 waives notice for proposed legal representatives of respondent No.1

5. Necessary amendment to be carried out within two weeks.

6. Learned Counsel for the appellant is permitted to file paper book within two weeks.

7. List the matter after three weeks.

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