

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

Civil Application [CAS] Nos.706 & 707 of 2021

in

Second Appeal No.65 of 2016

Sadashiv Uddhavrao Deshmukh & another

vs.

Kesharbai Namdeo Padolkar

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. S.D. Chopde, Advocate for the Applicants/Appellants.
 Mr. S.V. Sohani, Advocate for the Respondent sole.*

CORAM : S.M. MODAK, J.
DATE : 14th JUNE, 2022.

Appellant No.2-Prakash Deshmukh expired on 04/06/2021. Copy of death certificate is annexed. His legal representatives want to prosecute this appeal further along with appellant No.1. There is a delay of 40 days in taking necessary steps. It is opposed on behalf of the respondent for the reason that there is no sufficient reason for condonation of delay. The family members were busy in performing the last rites and they were in grief, this is acceptable reason.

02] In view of that, the delay caused in setting aside abatement and bringing legal heirs on record, is condoned. The abatement is set aside. The name of appellant No.2 be deleted and names of the applicants be added in his place in the title cause of the appeal memo. The amended copy of appeal memo be supplied to the respondent.

03] The applications are allowed and disposed of accordingly.

Civil Application [CAS] No.915/2021:

This is respondent's application for early hearing. There is a concurrent findings of both the Courts below. The matter is old.

02] Hence, the application is allowed. Hearing of the appeal is expedited. The matter be kept for final hearing in the third week of July, 2022.

JUDGE

**sandesh*