

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

Civil Application [CAS] No.836 of 2021

in

Second Appeal St.No.7126 of 2018

Dnyaneshwar Tukaram Tayade vs. Shankar Leelara Bhojwani & another

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

Court's or Judge's Orders

Mr. S.S. Deshpande, Advocate for the Applicants.

Mr. S.A. Chaudhari, Advocate for Respondent No.1.

CORAM : S.M. MODAK, J.

DATE : 7th JUNE, 2022.

Heard both the sides.

02] During pendency of application for condonation of delay in preferring the second appeal, the sole appellant expired on 08/01/2021. The present applicants are his legal representatives. There is a composite application for setting aside abatement, condonation of delay and for bringing the legal heirs on record. The application is filed after 19 days i.e. on 24/11/2021. The reason quoted is, ignorance about the procedure. The prayers are opposed on behalf of the respondents.

03] The parties must be given an opportunity to fight the case on merits subject to costs. Hence, the following order :

ORDER

- i. The application is allowed.
- ii. The abatement is set aside.
- iii. The delay is condoned.
- iv. The names of legal representatives of deceased appellant be brought on record after deleting the name of the

appellant, subject to costs of Rs.1,000/- (Rupees One Thousand Only) to be paid to the respondents.

- v. The application is disposed of.
- vi. The matter be kept for hearing on delay condonation application after three weeks.

JUDGE

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