

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

CIVIL APPLICATION (CAS) NO. 1042/2022

IN

CIVIL APPLICATION (CAS) NO. 217/2020

IN

SECOND APPEAL STAMP NO. 3326/2020

Ramesh Bhimraoji Ghate (Dead) through L.Rs. Smt. Kanta Ramesh Ghate and others

Vs.

Vinay Rupraoji Dhongde

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

Court's or Judge's orders

Shri S.B. Gandhe, Advocate for applicants

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

DATE : 06/10/2022

In spite of service of application, none for the respondent. It is informed that appellant No.3 Mahesh Ramesh Ghate expired on 12/11/2021. Legal representatives of appellant No.3 were not aware about the pending proceeding.

2. For the reasons stated in the application, delay of 232 days in bringing legal representatives is hereby condoned. Application stands disposed of

CIVIL APPLICATION (CAS) NO. 1041/2022 AND CIVIL APPLICATION (CAS) NO. 1043/2022

Present applications are filed for setting aside abatement and also for bringing legal representatives of deceased appellant no.3 on record.

2. As right to sue survives, the applications are allowed. Abatement is set aside.

3. The application for bringing legal heirs on record is supported by affidavit and also the death certificate is filed along with the application. Hence, the appellant is hereby permitted to bring on record legal representatives of appellant No.3.

4. Necessary amendment to be carried out within one week.

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