

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

CIVIL APPLICATION (CAS) NO. 1091 OF 2022
IN
SECOND APPEAL NO. 280 OF 2015

Buddhu S/o. Laloo Beniwale

...**VERSUS**...

Anuja Pradeep Manjare and ors.

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

Court's or Judge's order

Shri S.S.Deshpande, Advocate for LR's. (applicants) of appellant.

Shri P.L. Sagdeo, Advocate h/f. Shri M.M.Agnihotri, Advocate for respondent no. 1.

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

DATE : 18th OCTOBER, 2022

The present application is filed for condonation of delay. There is a delay of 370 days in filing the application for setting aside abatement and for bringing the legal heirs of the sole appellant on record.

2. It is informed that the sole appellant died on 09/06/2020 leaving behind the applicants as the legal heirs. The applicants are agricultural labourers and they are not aware about the legal procedure so also there was Covid pandemic period. In view thereof, the applicants could not contact with the counsel. In the month of October, 2022, applicant no. 5 - Samir informed the counsel about the death of sole appellant.

3. The learned counsel appearing for respondent no. 1 opposed the application. However, for the reason stated in the application, the application is allowed.

4. Delay in filing the application for setting aside abatement and for bringing the legal heirs of the sole appellant on record is hereby condoned.

CIVIL APPLICATION (CAS) NO. 1090 OF 2022

The present application is filed by the applicants for setting aside abatement for bringing the legal heirs of sole appellant on record.

2. For the reason stated in the application so also as the right to sue survive, application is allowed and abatement is hereby set aside.

CIVIL APPLICATION (CAS) NO. 1092 OF 2022

The present application is filed for bringing the legal heirs of sole appellant on record.

2. The application is supported with the affidavit and the death certificate is annexed along with the application. As such, the application is allowed, as the right to sue survive.

3. The applicants are permitted to bring the names of legal heirs of deceased sole appellant on record. Necessary amendment to be carried out within a week.

(Smt. M.S. Jawalkar, J.)