

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

WRIT PETITION NO. 6217 OF 2022

Shri Anil S/o Kisan Gaikwad vs. Shri Ashok S/o Kisan Gaikwad and ors.

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

Court's or Judge's Orders.

Ms. Bhavika R. Hindustani, Advocate for petitioner.
Mr. Surendra Chichbankar, Advocate for respondent No.1.
Mr. Yash Maheshwari, Advocate for respondent Nos.6 and 7.

CORAM : AVINASH G. GHAROTE J.

DATE : 16/11/2022

Civil Application (W) No. 2481 of 2022 is for condonation of delay in bringing the legal heirs of deceased respondent No.2 on record, who has passed away on 28/06/2014. **Civil Application (W) No. 2482 of 2022** is for setting aside of abatement and **Civil Application (W) No.2480 of 2022** is for bringing legal heirs of deceased respondent No.2 on record.

2. Mr. Yash Maheshwari, learned counsel for respondent Nos.6 & 7 and Mr.Surendra Chichbankar, learned counsel for respondent No.1 has no objection, subject to the condition that heavy costs be imposed, considering which the above applications are allowed. The delay is condoned subject to costs of

Rs.8000/- [Rs.Eight Thousand only] to be deposited as a condition precedent with High Court Legal Aid Services Sub-Committee, Nagpur by 18/11/2022.

3. The legal heirs of deceased respondent No.2, as mentioned in paragraph 7 of the said application are permitted to be brought on record. The amendment be carried out forthwith.

4. Upon the same being done, issue notice to the newly added legal heirs of respondent No.2, returnable on **25/11/2022**. In addition to the regular mode of service, the petitioner is permitted to serve legal heirs of respondent No.2 by all modes permissible in law including email, whatsapp etc.

5. *Hamdast* granted.

CIVIL APPLICATION (W) NO. 2501 OF 2022

This application has been tendered across the bar for bringing the legal heirs of the deceased respondent No.3 on record, who is claimed to have passed away on 03/11/2022, considering which the application is within time, the same is allowed.

2. The legal heirs of deceased respondent No.3, as mentioned in paragraph 1 of the said

application are permitted to be brought on record.
The amendment be carried out forthwith.

3. Upon the same being done, issue notice to the newly added legal heirs of respondent No.3, returnable on **25/11/2022**.

4. In addition to the regular mode of service, the petitioner is permitted to serve legal heirs of respondent No.3 by all modes permissible in law including email, whatsapp etc.

5. *Hamdast* granted.

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Interim order to continue till next date.

2. Since the original respondent Nos.2 and 3 were the siblings of the petitioner, it is made clear that in case services is not effected by returnable date the Court shall be constrained to pass order of vacating the stay.

JUDGE