

SGPunde

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7046 OF 2022
IN
SECOND APPEAL NO. 438 OF 1994

Keshav s/o Madhavrao Dhumal (since deceased)
through his LRs -

1-A) Shri. Madhav Keshavrao Dhumal & Ors. ... Applicants

Versus

Dnyandeo s/o Shamrao Rajput (Parihar)
(deceased) through LRs -

1-A) Balaji Dnyandeo Rajput (Parihar) & Ors. ... Respondents

...

Mr. Avishkar Shelke – Advocate for applicants

....

CORAM : GAURI GODSE, J.

DATE : 02ND MARCH, 2023

PER COURT :

1. This application is filed for setting aside order dated 07th August, 2019 regarding dismissal of appeal as abated against respondent no. 1. The Civil Application also prays for condonation of delay and for leave to bring on record the names and legal representatives of deceased respondent no. 1. The heirs and legal representatives of deceased respondent no.1 are served as per the office remark. None appears for them.

2. There is no opposition to grant this application.
3. For the reasons stated in the application, it is allowed in terms of prayer clause 'B', 'C' and 'D'.

'B' - The order of abatement dated 07.08.2019 passed by the Ld. Registrar (Judicial) in S.A. No. 438 of 1994 be quashed and set aside.

'C' - The delay of 912 days caused in filing the Civil Application for bringing Legal Representatives of the deceased respondent No.1, on record be condoned.

The Non-Applicant No.1-A to 1-C be allowed to be brought on record as legal representatives of deceased respondent No.1 i.e. Dnyandeo by setting aside abatement order dated 07/08/2019.

4. Necessary amendment to be carried out within four weeks from today.

[GAURI GODSE]
JUDGE