



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

CIVIL APPLICATION (CAF) NO.2490 OF 2023
AND
CIVIL APPLICATION (CAF) NO.2491 OF 2023
IN
FIRST APPEAL (St.). NO. 477 OF 2021

Ashok Dharmadas Lachure

VS.

The State of Maharashtra and others.

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

Mr V. N. Patre, Advocate for the applicant Nos. 1(a) and 1(b)

Mr M. A. Kadu, AGP for the State

CORAM : G.A. SANAP, J.
DATE : AUGUST 25, 2023.

Heard the learned Advocate for the applicant
Nos.1(a) and 1(b).

2. The applicant No.1(a) and 1(b) are the legal heirs of deceased appellant -Ashok Dharamdas Lachure. The appellant died on 28.07.2021. It is stated that for the reasons stated in the application, the legal heirs of appellant could not be brought on record within limitation. It is also stated that for the reasons stated in the application, the application for setting aside the abatement cannot be made within period of 60 days from the date of abatement. There

is a delay of 10 days in making an application for setting aside the abatement.

3. On going through the applications I am satisfied that the reasons are probable and acceptable. Accordingly, the applications are **allowed**.

4. The delay caused in filing the application for bringing the legal heirs of appellant on record and for setting aside the abatement is condoned.

5. The applications for bringing the legal heirs of appellant on record and for setting aside the abatement order is allowed.

6. The abatement of the appeal is set aside.

7. The applicant Nos.1(a) and 1(b) are allowed to be brought on record being the legal heirs of deceased appellant.

8. The amendment be carried out in a delay application as well as in Appeal memo within one week.

9. Both applications stand **disposed of**, accordingly.

(G. A. SANAP, J.)