

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

Writ Petition No.705/2023

Khurshidbee V Late Smt. Mumtajbee and others

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

Court's or Judge's Orders

Mr. D.S. Khushalani, Adv. for petitioner.

CORAM : AVINASH G GHAROTE, J.

DATE : 31-01-2023

The petition question the order below Exh 23-A which is an application for setting aside the abatement of the suit for not bringing the Lrs of the defendant on record, for setting aside the abatement the order below Exh 27 an application for condonation of delay of six months in filing the application and Exh 28 the application for bringing the Lrs on record. The defendant no.1 passed away on 10-05-2021. A pursis intimating a demise at Exh 19 was placed on record on 16-10-21. Application for setting aside abatement and bringing the Lrs on record was filed on 28-7-22, considering which, there was a delay of approximate 6 months. The learned trial Court by way of impugned order has allowed all the applications by imposing a cost of Rs 300/-.

2. Considering the quantum of delay, I do not see any reason to interfere in the order impugned in this

petition. The petition is therefore dismissed. No costs.

JUDGE

Deshmukh