

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

...
CIVIL APPLICATION (S) NOS. 72,73,74, 75 all of 2023
in
SECOND APPEAL NO. 483/2022

Vinod Ramraoji Duryodhan

..Applicant/s

versus

Nivrutti Paikuj Shende and others

..Respondent/s

.....
Mr. H.V.Thakur, Advocate for the applicant
.....

CORAM: ANIL L. PANSARE, J.

DATED : 27th June, 2023.

PC:

Heard learned counsel for the applicant.

By the above-referred Applications, the applicant is seeking to set aside the abatement, to condone the delay in filing application for setting aside abatement, to condone delay in filing application for impleading LR's of Respondent No.3 and to implead the LR's of deceased Respondent No.3, on record. The legal representatives of respondent No.3 are already on record. Notices have been issued.

The learned counsel for the applicant submits that the respondent No.3 has expired on 07.10.2019. He further submits that there occurred a delay of 382 days in filing the application for setting aside abatement. According to him, the delay has been caused as the applicant was not aware of the death of respondent No.3. During the course of proceeding, the applicant came to know of such status. He submits that it took time to collect the details and therefore there occurred the delay.

None appears for the respondents and the proposed legal representatives and as such there is no opposition to the applications.

In view of the above and for the reasons set out in the applications, the Civil Applications are allowed. The delay is condoned as prayed for. The abatement is set aside. Permission to bring legal representatives of respondent no.3 is granted. The amendment is already carried out in the sense that the names of LR's of respondent no.3 are already on record.

S.A. No. 483/2022

Call R & P

List the Appeal once the R & P is received.

Interim order to continue till then.

[ANIL L. PANSARE, J.]

sahare