



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

CIVIL APPLICATION (F) NOS. 1394 & 1395 OF 2023

IN

FIRST APPEAL NO. 783 OF 2013

Vidarbha Irrigation Development Corporation

..VS..

Ratanlal S/o Motilal Chandak and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.A. Waghmare, Advocate h/f. Mr. P.B. Patil, Advocate for
appellant.

Ms. T.H. Udeshi, AGP for respondent Nos.5 to 7.

CORAM : G.A. SANAP, J.

DATED : 28th AUGUST, 2023

Heard.

2. The respondent No.1 died on 05.03.2016. It is stated that respondent No.2 to 4 are the sons of the deceased respondent No.1. It is further stated that apart from the respondent Nos.2, 3 and 4, there is one more legal representative namely Sau. Premlata Hariprakash Sarda i.e. daughter of the deceased respondent No.1. It is stated that on 23.12.2022, the appellant came to know about the death of the respondent No.1. It is submitted that in this process, delay has occurred. The appeal stood abated against the respondent No.1 in the above context. It is submitted that for the purpose of complete adjudication of the appeal, the delay caused in filing application for setting aside abatement may be condoned and the abatement may be set aside.

3. The learned Advocate for the respondent Nos.2, 3 and 4, despite the service of this proceeding, has not

filed reply. Learned AGP for respondent Nos.5 to 7 has no serious objection.

4. In view of the facts stated in the applications, the same are allowed.

5. The delay caused in filing the application for setting aside the abatement is condoned. The abatement is set aside. The applicant/appellant is allowed to bring on record Sau. Premlata Hariprakash Sarda, the daughter of the deceased respondent No.1 as his legal heir.

6. The amendments/corrections be made within a period of one week.

7. The applications are disposed of.

FIRST APPEAL NO. 783 OF 2013

Stand over after two weeks.

(G.A. SANAP, J.)