

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

CIVIL APPLICATION (CAF) NO.677 OF 2023

AND

CIVIL APPLICATION (CAF) NO.675 OF 2023

IN

FIRST APPEAL STAMP NO.18762 OF 2019

Executive Engineer Vidarbha Irrigation Development Corporation, Nagpur

Vs.

Vithhal Dattuji Rajurkar and others

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

Court's or Judge's orders

Ms. Ira P. Khisti, Advocate for appellant.

Ms. T. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/03/2023

1. Present applications are filed for condonation of delay and setting aside the abatement as the respondent No.1 is reported to be dead. As per contention of the appellant, when the notice on delay condonation application was issued, at the relevant time appellant came to know that respondent No.1 is dead, and therefore, appellant could not take steps to bring the legal heirs within time on record.

2. In view of the reasons mentioned in the application, delay is condoned, which is caused to file an application for setting aside abatement order. The abatement order passed against respondent No.1 is hereby set aside.

3. Civil Application Nos.677/2023 and 675/2023 are disposed of.

Civil Application (CAF) No. 678/2023

Issue notice to the proposed legal heirs,
returnable in **four weeks**.

(URMILA JOSHI-PHALKE, J.)

Sarkate