



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

**CIVIL APPLICATION (CAS) NO. 302/2022 IN**  
**SECOND APPEAL NO. 202/2003**

Vistarbai W/o Vitthal Santoshwar and another  
Vs.  
Vilas Namdeo Wadettiwar

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

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Shri S.K. Bhoyar, Advocate for appellants

**CORAM : SMT. M.S. JAWALKAR, J.**  
**DATE : 29/11/2023**

In spite of service, none appeared for legal representatives of respondent.

2. Present application is filed for setting aside abatement against respondent. For the reasons stated in the application that after issuance of notice on 15/01/2021, the appellant No.2 came to know about the status of the matter. The appellant has engaged new counsel who filed Vakalatnama on 15/09/2021. Till filing of Vakalatnama on 15/09/2021, no steps were taken to bring legal

representatives of respondent No.1. Accordingly, appeal was abated. This application is filed for setting aside abatement.

3. For the reasons stated in the application, I am satisfied that abatement needs to be set aside. Accordingly, application for setting aside abatement against respondent No.1 is allowed.

4. Application stands disposed of.

### **CIVIL APPLICATION (CAS) NO. 303/2022**

Present application is filed for condonation of delay in filing application for bringing legal representatives on record. There is delay of 1200 days, Though legal representatives of respondents are served, they failed to appear. As such, for the reasons stated in the application, I am satisfied that the delay in filing application for bringing legal representatives are sufficiently explained. Accordingly, application is allowed.

2. Delay in filing application for bringing legal representatives, is hereby condoned.

3. Application stands disposed of.

**CIVIL APPLICATION (CAS) NO.304/2022**

Present application is filed for bringing legal representatives of respondent on record.

2. For the reasons stated in the application, the application is allowed.

3. Respondent No.1 (a) is permitted to be taken on record in place of respondent.

4. Necessary amendment to be carried out within two weeks.

5. After amendment is carried out, issue notice to the legal representatives of respondent.

6. Application stands disposed of.

(SMT. M.S. JAWALKAR, J.)