

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

**Civil application (CAS) No.641 of 2023 In
Second Appeal No. 413 of 2019**

Bapurao S/O Jairam Gatkin (Since Deceased) Thr. Lrs. Ashok Bapurao Gatkin And Another
Vs
Bhaurao S/O Jairam Gatkin (Since Deceased) Thr. Lrs. Smt. Leelabai Wd/O Bhaurao Gatkin And
Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S. Verma, Advocate for the Applicant/Appellant
Shri K.R. Lule, Advocate for the respondent No.3

**CORAM : ANIL S. KILOR, J.
DATED : 04th May 2023**

1. This is an application for condonation of delay in filing bringing legal heirs of respondent No.2 and setting aside abatement of appeal against the respondent No.2
2. The reason stated in the application for delay is that earlier a brief was with the another counsel, however, after change of counsel, the counsel suffered from Corona Virus and he could not take immediate steps to file the application for bringing legal heirs of respondent No.2, on record within limitation and therefore, the present application.

3. Considering the reasons stated in the application and on finding that the reasons are sufficient and satisfactory for showing the cause of delay, the application is **allowed**. The delay is condoned. Abatement is set aside against the respondent No.2. Necessary amendment be carried out within two weeks.

The application is **disposed** of accordingly.

[ANIL S. KILOR, J.]