

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

CIVIL APPLICATION (CAO) NO. 410/2023, 411/2023 AND 412/2023
IN
CIVIL APPLICATION (CAO) NO. 779 OF 2021
IN
MISC. CIVIL APPLICATION (ST.) NO. 13729 OF 2021
IN
REJ. SECOND APPEAL NO. 701 OF 2018 (S.A. ST. NO. 11906/2018)

BUDHAJI S/O. LATARUJI MESHAM AND ANR.

...VERSUS...

SHARAWAN S/O. SAMBHAJI KATKAR AND ORS.

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

Court's or Judge's order

Shri Raja Dandawate, Advocate h/f. Shri M.P.Khajanchi, Advocate for appellants/applicants.

Shri D.M.Barde, Advocate h/f. Ms. Shilpa O. Tapdiya, Advocate for respondent nos. 2 to 5.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 24th MARCH, 2023

The present applications are filed by the applicants for condonation of delay in bringing the legal heirs (LRs.) of deceased appellant no. 1 on record by setting aside abatement. There is delay of 75 days.

2. Learned counsel for the respondents opposed for same. However, for the reason stated in the application, I am satisfied that there is no deliberate or intentional delay. As the right to sue survives, applications are allowed.

3. Delay in bringing legal heirs of deceased appellant no. 1 on record is hereby condoned and abatement is set aside so also

permission is granted to bring the names of legal heirs of deceased appellant no. 1 on record.

4. Necessary amendment to be carried out within one week.
5. Accordingly, the applications are disposed.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar