



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

CIVIL APPLICATION (CAS) NO. 465/2023
WITH
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IN
SECOND APPEAL NO. 487/2012

Nilkanth S/o Vithoba Margane

Vs.

Rupachand S/o Zagdu Yelsare and others

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

Court's or Judge's orders

Shri A.V. Karnavat, Advocate h/f Shri S.D. Sirpurkar, Advocate for appellant
Shri P.S. Tembhare, Advocate for respondent Nos. 1 & 2

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

DATE : 12/09/2023

Present application is filed for setting aside abatement as sole appellant expired on 20/10/2021.

2. Civil Application No. 466/2023 is filed for condonation of delay in filing application for setting aside abatement and for bringing legal representatives on record. There is delay of 380 days.

3. Civil application No. 467/2023 is filed for bringing legal representatives of deceased appellant on record.

4. Though, application is opposed by learned Counsel for respondent, as right to sue survives, I am inclined to allow the applications. In view thereof, delay in filing application and setting aside abatement is hereby condoned.

5. The abatement is hereby set aside and permission is granted to bring legal representatives of deceased appellant on record.

6. Necessary amendment to be carried out within a period of two weeks.

7. All the applications stand disposed of.

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