

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

CIVIL APPLICATION (CAF) NO.828 OF 2023
IN
FIRST APPEAL STAMP NO.6524 OF 2019

Nirmalabai wd/o Manohar Patle and others

Vs.

Nathu s/o Tulsiram Bawankar (Died) through LRs 1a. Ramprasad s/o Natthu
Bawankar and another

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

Court's or Judge's orders

Mr. Kunal Mirache, Advocate h/f Mr. P. S. Mirache, Advocate for applicants.
Mr. M. R. Joharapurkar, Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/03/2023

1. Present application is filed for condonation of delay which is caused in bringing the legal heirs of respondent No.1 on record.

2. It is submitted by the learned Advocate Mr. Mirache that the respondent No.1 who is the owner of the offending vehicle died on 5.4.2017. But, there was no occasion for the claimants to know about his death. When the matter was fixed on 22.2.2023 for serving the respondent No.1 and to take the appropriate steps. He came to know that the respondent No.1 is not alive and thereafter he filed this application, therefore delay of 1477 days is caused.

3. Heard learned Advocate Mr. Joharapurkar for the respondent No.2. He has no objection for the same. In view of the reasons mentioned in the application which are satisfactory and sufficient. Delay of 1477 days is condoned.

4. Civil Application is disposed of.

Civil Application (CAF) No.829 of 2023

1. This is an application for bringing the legal heirs of respondent No.1 on record. In view of the reasons mentioned in the application, the applicants/claimants are permitted to bring the legal heirs of respondent no.1 on record.

2. Amendment be carried out within stipulated period.

3. Issue notice of this delay application No.4381/2019 to the proposed legal heirs, returnable after two weeks.

4. Civil Application is disposed of.

Civil Application (CAF) No.830/2023

1. This application is for setting aside the abatement and bringing the legal heirs on record.

2. As the claimants were not aware about the death of the respondent No.1 and recently they came to know about the death of respondent No.1. Hence they filed an application for bringing the legal heirs on record. But appeal is already abated against the respondent No.1.

3. In view of the reasons mentioned in the application, abatement order is set aside.

4. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate