

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

CIVIL APPLICATION (CAF) NO. 2414/2021 IN
FIRST APPEAL STAMP NO. 1564/2021

Executive Engineer, Nimna Wardha Project, Wardha
Vs
Vasudeo Narayan Fale And Others

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

Court's or Judge's Order

Ms I.P. Khisti, counsel for the applicant/appellant.
Mr M.A. Kadu, AGP for the respondent Nos. 3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/03/2023.

1. Heard.
2. This is an application for condonation of delay as the legal heirs of respondent Nos. 1 and 2 are not brought on record.
3. Ms I.P. Khisti, learned counsel for the applicant submitted that recently she received the information regarding death of the respondent Nos. 1 and 2 and therefore, she filed this application. Appeal is already abated against the respondent Nos. 1 and 2.
4. In view of the reasons mentioned in the application, delay of 534 days in filing the appeal is condoned.

Civil application is disposed of.

Civil Application (CAF) No. 942/2023

This is an application for setting aside abatement.

2. Considering the reasons mentioned in the application, applicant was not knowing about the death of the respondent Nos. 1 and 2. Necessary steps are not taken and therefore, abatement order is passed.

3. It is apparent that proposed abatement application, one page of the application is missing. Therefore, the applicant to add the said paper within stipulated period.

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

Civil application is disposed of.

Civil Application (CAF) No. 944/2023

Issue notice to the proposed legal heirs of respondent No.1, returnable after four weeks.

Mr M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos. 3 and 4.

JUDGE