

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

...
CIVIL APPLICATION (S) NO. 450, 451 & 452 ALL OF 2018
IN
SECOND APPEAL (ST)NO.17097/2016

Smt. Shewanti Ganeshrao Hapat (Dead)

Through LR's and others

..Appellant /s

versus

Chintaman Bhagwan Umale

and others

..Respondent/s

.....
Mr. N.G. Solao, Advocate for the appellants /applicants

Mr Y J Chandurkar Adv.h/for Mr J.J.Chandurkar, Adv.for Respondents

.....
CORAM: ANIL L. PANSARE, J.
DATED : 30th June, 2023.

PC:

By the above referred Civil Applications, the applicants are seeking to set aside abatement against the respondent no.2; to condone delay in filing application for bringing LR's of respondent no.2 on record and lastly for bringing the legal representatives of respondent no.2 on record.

2. The learned counsel for the applicants submits that the proposed respondents have been served but none appears on their behalf. He submits that the respondent no.2-Balaji Umale has expired on 01.01.2006. He further submits that the delay has been caused because the applicants were not aware of the death of respondent no. 2, however, they came to know of Respondent No.2's death on 10th March 2018 and thereafter filed application on 20th March 2018. This reason has been put forth on affidavit which has not been controverted by the other side.

3. In view of the above and for the reasons set out in the respective applications, the Applications are allowed, as prayed for. Necessary amendment be carried out within two weeks from today. Amended copy be served on the other side.

[ANIL L. PANSARE, J.]

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