

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

CIVIL APPLICATION (CAS) NO. 503 OF 2023
IN
SECOND APPEAL NO. 497 OF 2016

JAGANNATH LAXMAN SAYKHEDE (DEAD) THR. LRS. BHASKAR JAGANNATH SAYKHEDE AND OTHERS
...**VERSUS**...

MANGILAL JORAWARMAL MUNOT (DEAD) THR. LRS. MAHENDRA MANGILAL MUNOT AND OTHERS

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

Court's or Judge's order

Ms. Sulbha B. Saikhede, Advocate for appellants/applicants.

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

DATE : 11th APRIL, 2023

None for the respondents.

2. The present application is filed for condonation of delay for setting aside abatement and in bringing the legal heirs of deceased appellant no. 3 on record. There is delay of 782 days.

3. For the reasons stated in para nos. 4 and 5 of the application and as the right to sue survives, application is allowed.

4. Delay for setting aside abatement and in bringing the legal heirs of appellant no. 3 on record, is hereby condoned.

5. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAS) NO. 502/2023 AND 504/2023

The present applications are filed for setting aside abatement and for grant of permission to bring the legal heirs of appellant no. 3 on record.

2. The names of legal heirs of appellant no. 3 have been mentioned in the application and death certificate of appellant no. 3 is filed along with the application. As such, for the reasons stated in the application, application is allowed.

3. Abatement is hereby set aside and permission is granted to bring the names of legal heirs of appellant no. 3 on record.

4. Necessary amendment to be carried out within a period of one week.

5. Accordingly, the applications are disposed of.

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

B.T.Khapekar