

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

CIVIL APPLICATION (F) NO.1361 OF 2023 IN
FIRST APPEAL NO.532 OF 2015

[V.I.D.C. ..V/s.. Madhukar Rajaram Kale and Ors.]

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

Court's or Judge's order

Ms M. Babhulkar, Adv. h/f Mr M. A. Kadu, Advocate for Applicant/Appellant.

Ms V. Wasu, Advocate for Respondent Nos.1 to 3.

Mr K. L. Dharmadhikari, AGP for Respondent Nos.4 to 6.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 4th MAY, 2023.

. Present application is for condonation of delay, which is caused in filing the application for bringing the legal heirs of respondent No.1, setting aside the abatement and grant of permission to bring the legal representatives of respondent No.1 on record.

2. As per the contention of the appellant, the respondent No.1 died and pursis is filed by mentioning the names of the legal heirs of respondent No.1. Thereafter, the appellant got knowledge about the death of the respondent No.1. However, the delay of 176 days is caused in filing the application for bringing the legal heirs on record. In the meantime, abatement order was passed.

3. In view of the reasons mentioned in the application, the application is allowed and the delay of 176 days is hereby condoned and the abatement order is set aside. Appellant is permitted to delete the respondent No.3.

4. Amendment be carried out within the stipulated period.

5. Stand over after vacation.