

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

CIVIL APPLICATION (CAS) NO.1341/2023
WITH
CIVIL APPLICATION (CAS) NO.1342/2023
WITH
CIVIL APPLICATION (CAS) NO.1343/2023
WITH
CIVIL APPLICATION (CAS) NO.1344/2023
IN
SECOND APPEAL NO.484/2012

Smt. Anjanabai Madhukar Dhakate and others
 Vs.
 Chatrapati s/o Laxman Nikhare and others

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

Court's or Judge's orders

 Ms V.P. Thakre, Advocate for appellants
 Shri Vinay Rathi, Advocate h/f Shri P.B. Patil, Advocate for
 respondent No.1

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 26/10/2023

CIVIL APPLICATION (CAS) NO.1341/2023

1. The present application is filed for condonation of delay in filing application for bringing legal representatives of appellant No.1 on record. It is submitted that after filing of pursis by respondents, learned Counsel for appellants came to know that appellant No.1 expired. Accordingly, he communicated with the appellants for names of legal representatives of appellant No.1. As such, there is delay of 655 days. As right to sue survives, application is allowed.

2. Delay in filing application for setting aside

abatement and bringing legal representatives of appellant No.1 on record is hereby condoned.

3. Abatement is set aside.
4. The application stands disposed of.

CIVIL APPLICATION (CAS) NO.1342/2023

1. For the reasons stated in the application, application is allowed. The application is supported by death certificate of appellant No.1.
2. The applicants are permitted to substitute their names in place of appellant No.1 on record.
3. Necessary amendment to be carried out within a period of two weeks.
4. The application stands disposed of accordingly.

CIVIL APPLICATION (CAS) NO.1343/2023

1. The present application is filed for condonation of delay in filing application for bringing legal representatives of appellant No.3 on record. It is submitted that after filing of pursis by respondents, learned Counsel for appellant came to know that appellant No.3 expired. Accordingly, he communicated with the appellants for names of legal representatives of appellant No.1. As such, there is delay of 610 days. As right to sue survives, application is allowed.
2. Delay in filing application for setting aside

abatement and bringing legal representatives of appellant No.3 on record is hereby condoned.

3. Abatement is set aside.

4. The Application stands disposed of.

CIVIL APPLICATION (CAS) NO.1344/2023

1. The present application is filed for bringing legal heirs of appellant No.3 on record. The application is supported by death certificate of appellant No.3.

2. The names of legal representatives of appellant No.3 is mentioned in paragraph No.4 of this application. The death certificate is placed on record. As right to sue survives, application is allowed.

3. Necessary amendment to be carried out within a period of two weeks.

4. The application stands disposed of accordingly.

PURSIS NO.06/2023

1. By this pursis, it is informed that legal representatives of respondent No.3 are already on record. As such, permission is granted to delete the name of respondent No.3.

CIVIL APPLICATION (CAS) NO.839/2023

1. The present application is filed by respondent No.1 for grant of early hearing. It is submitted that as

matter pertains to year 2012 and respondent No.1 is around 80 years of age, there is no impediment in allowing the application. As such, application is allowed.

2. List the matter for final hearing on 28/11/2023.

JUDGE

R.S. Sahare