

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

**CIVIL APPLICATION (CAF) NO. 1695/2022 IN**  
**FIRST APPEAL NO. 157/2020**

Vidc Thr. Exe. Engineer, Purna Medium Project, Achalpur Div. Achalpur, Amravati And  
 Another  
 Vs  
 Mahadevrao Ramchandra Barwat (Dead) Thr. Lrs. Smt. Krushnabai Mahadevrao Barwat  
 And Others

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

Court's or Judge's Order

Mr M.A. Kadu, counsel h/f Mrs. A. A.Joshi, counsel for the appellants.  
 Mr Madukar Jadhav, counsel h/f Mr R.J. Shinde, counsel for the Resp. Nos. 1 (a) to 1 (g)  
 Mr K.L. Dharmadhikari, AGP for the respondent Nos. 2 and 3.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 15/03/2023.**

1. Holding counsel for Mr P.D. Sharma submitted that Mr P.D. Sharma, learned counsel is not appearing for any of the party, however, cause list is showing his name.
2. In view of the submission made by the counsel, the office to remove the name of Mr P.D. Sharma, learned counsel from the cause list.

**Civil application (CAF) No. 1696/2022**

1. The present application is for condonation of delay which is caused and bringing the legal heirs of respondent No.1 on record.
2. Respondent No.1-F Sharda Prabhakar Khode is reported to be dead on 11/08/2020. The appellants came to

know after the Pursis was filed to that effect. Thereafter, the application was sent for swearing to the appellants/ authority, wherein the time was consumed and therefore, delay of 575 days is caused in preferring this application.

3. Learned counsel Mr. Jadhav, for the respondent has no objection for condonation of delay as well as learned AGP for the respondent/State has also not raised any objection.

4. In view of the reasons mentioned in the application, delay of 575 days is condoned.

Civil application (CAF) No. 1696/2022 is disposed of.

**Civil Application (CAF) No. 1695/2022**

This application is filed by the appellants for setting aside the abatement order.

2. As per the contention of the appellant, appellants were not aware about the death of the respondent 1-F. After the Puris was filed immediately steps are taken. In view of the reasons mentioned in the application, the abatement order passed is set aside.

Civil application (CAF) No. 1695/2022 is disposed of.

**Civil Application (CAF) No. 1697/2022**

As the respondent No.1-F is reported to be dead, her legal heirs are the necessary party. Appellants are permitted to bring the proposed legal heirs on record.

2. Mr Madhukar Jadhav, counsel h/f Mr R.J. Shinde, learned counsel waives service of proposed legal heirs.
3. In view of the reasons mentioned in the application, appellants are permitted to bring the legal heirs on record.
4. Amendment be carried out within stipulated period.

Civil application No. 1697/2022 is disposed of.

**First Appeal No. 157/2020**

The appellants to file private paper-book within a period of eight weeks.

2. Appeal be placed before the Court after filing of private paper-book and its verification, as per its turn.

**JUDGE**