



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

**CIVIL APPLICATION (CAF) NO.1879 OF 2021**  
**IN**  
**FIRST APPEAL NO.759 OF 2015**

Executive Engineer, Gosihurd Rehabilitation Division Ambadi Tah. And Taluka Bhandara and  
another  
Santosh Sapatre and ors.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions      Court's or Judge's orders.  
and Registrar's Orders.

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Shri N.M. Gaidhane, Advocate for the appellants.  
Shri S.K. Gurpude, Advocate h/f Shri N.B. Bargat, Advocate  
for respondent Nos.1 and 2.  
Ms. T.H. Udesb, AGP for respondent Nos. 3 to 5.

**CORAM : G.A. SANAP, J.**  
**DATE : 05.09.2023**

Heard.

2. This is an application for condonation of delay caused in filing an application for setting aside of the abatement of the appeal and for bringing on record the legal heirs against respondent No.1, who died on 19.08.2009.

3. Learned Advocate for the appellants orally submits that this period of limitation expired during Covid-19 pandemic. He pointed out that during this period the Hon'ble Supreme Court has extended the period of

limitation.

4. It is seen that this application was made on 18.09.2021, much before the order granting protection by the Hon'ble Supreme Court was withdrawn.

5. In the facts and circumstances, the application is allowed. The delay caused in filing an application for setting aside the abatement is allowed.

6. Abatement is set aside. The appellants are allowed to bring on record the legal heirs of respondent No.1 whose names have been mentioned in para No.3 of the application. This order be complied with within two weeks.

7. Shri N.B. Bargat, learned Advocate has already filed his vakalatnama on behalf of legal heirs of respondent No. (1a) to (1f). He waives service of notice on behalf of Respondent No. (1a) to (1f).

(G. A. SANAP, J.)