

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

CIVIL APPLICATION (CAS) NO.1252/2023
WITH
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CIVIL APPLICATION (CAS) NO.1255/2023
IN
SECOND APPEAL NO.502/2019

Sau Rekhabai w/o Manoranjan Dharwal and another
 Vs.
 Chandumal s/o Chhataram Golani

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

Court's or Judge's orders

 Shri A.D. Sonak, Advocate for appellants
 Shri Yash Kullarwar, Advocate h/f Shri M.Anilkumar
 Shankarlal, Advocate for respondent

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

CIVIL APPLICATION (CAS) NO.1252/2023
WITH
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1. Civil Application No.1252 is filed for setting aside abatement and Civil Application No.1253/2023 is filed for condonation of delay in filing application for setting aside abatement against sole respondent. As such, there is delay of 200 days. For the reasons stated in the application and as right to sue survives, application is allowed.

2. Delay in filing application for setting aside abatement and bringing legal representatives of sole

respondent on record is hereby condoned.

3. Abatement is set aside.
4. Both the applications stand disposed of.

CIVIL APPLICATION (CAS) NO.1254/2023

1. The present application is filed for condonation of delay in bringing legal representatives of respondent on record. For the reasons stated in the application, application is allowed. There is delay of 170 days. Delay in bringing legal representatives of respondent is hereby condoned. As right to sue survives, application is allowed.

2. Abatement is set aside. Necessary amendment to be carried out within a period of two weeks.

3. The application stands disposed of accordingly.

CIVIL APPLICATION (CAS) NO.1255/2023

1. The present application is filed for bringing legal heirs of sole respondent on record. The names of legal representatives of sole respondent is mentioned in paragraph No.3 of this application. As right to sue survives, application is allowed.

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

3. The application stands disposed of accordingly.

SECOND APPEAL NO.502/2019

1. Learned Counsel Shri Yash Kullarwar, holding for Shri M. Anilkumar Shankarlal waives notice for proposed legal representatives of sole respondent.
2. After amendment is carried out, list the matter for final hearing on 29/11/2023.
3. In the meanwhile, record and proceedings be called and learned Counsel for appellants to file private paper book.

JUDGE*R.S. Sahare*