



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

CIVIL APPLICATION (CAS) NO. 1102 OF 2023
IN
SECOND APPEAL NO. 37 OF 2010

RAGHUNATH VITHOBA BANDE

...VERSUS...

MAHADEO JAGO GOTHE AND ORS.

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

Court's or Judge's order

Shri L.S.Borkar, Advocate h/f. Shri A.Z. Jibhkate, Advocate for appellant.
Shri R.D. Murkute, Advocate for respondent no. 1.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 04th SEPTEMBER, 2023

The present application is filed for condonation of delay in filing application for setting aside abatement and bringing legal heirs of sole appellant on record. There is about six months' delay.

2. It is submitted that, when the matter was listed for final hearing on 05/07/2023, it was informed by applicant no. 3 that, the sole appellant has died. Thereafter, the present application is filed.

3. Though the application is opposed, as the right to sue survives, the application is allowed.

4. Delay in filing application for setting aside abatement and bringing legal heirs of sole appellant on record is hereby condoned and abatement is set aside.

5. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAS) NO. 1103 OF 2023

The present application is filed for bringing legal heirs of sole appellant on record.

2. The application is supported by affidavit and death certificate of sole appellant. As such, for the reasons stated in the application, the application is allowed.

3. The applicants are permitted to bring the names of legal heirs of sole appellant on record who expired on 03/09/2022.

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

5. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar