

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

CIVIL APPLICATION (CAF) NO.1908 OF 2022

IN
FIRST APPEAL NO.381 OF 2020

Vidarbha Irrigation Development Corporation, Nagpur through its Executive Engineer,
Achalpur and another

Vs.

Sandhyabai w/o Wamanrao Mohod and others

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

Court's or Judge's orders

Mr. Vinay Dahat, Advocate h/f Mr. J. B. Kasat, Advocate for appellants/applicants.
Mr. R. J. Shinde, Advocate for non-applicant No.1.
Mr. M. A. Kadu AGP for non-applicant Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/03/2023

1. Present application is for condonation of delay in setting aside the abatement and bringing the legal heirs on record.

2. As per the contention of the applicants, the non-applicant No.1 – claimant died on 2.1.2021. The applicants came to know about this fact after the learned Advocate for the non-applicant No.1 filed Pursis to that effect. Therefore, delay of 400 days is caused in preferring the appeal.

3. In view of the reasons mentioned in the application, delay of 400 days is condoned. Abatement is set aside.

4. Civil application is disposed of.

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1. Learned Advocate Mr. Shinde, waives notice for legal heirs.

2. Appellants are permitted to bring the legal heirs on record by carrying out the amendment within stipulated period.

(URMILA JOSHI-PHALKE, J.)

Sarkate