

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

CIVIL APPLICATION (CAS) NO.572/2020

IN

SECOND APPEAL NO.379/2019

Dinkar s/o Sadashiv Thakre (dead) thr. LR's Kamalabai wd/o Dinkar Thakre and others
 Vs.

Bhika s/o Sadashiv Thakre and another

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

Court's or Judge's orders

Shri A.B. Bhide, Advocate for appellants

Shri S.K. Bhattacharya, Advocate h/f Shri N.S. Warulkar, Advocate for respondents

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

DATED : 11/12/2023

The present application is filed for condonation of delay in filing application for bringing legal representatives of deceased respondent No.1 on record. One of the legal representative Radhabai wd/o Bhika Thakre is already there as respondent No.2. There is delay of 47 days. For the reasons mentioned in paragraph No.2 of the application, application is allowed.

2. Delay in filing application for setting aside abatement and bringing legal representatives of respondent No.1 on record is hereby condoned.

3. Abatement is set aside.

4. The application stands disposed of.

CIVIL APPLICATION (CAS) NO.573/2020

1. The present application is filed for bringing legal representatives of deceased respondent No.1 on record. For the reasons stated in the application, application is allowed.
2. The applicants are permitted to substitute their names in place of respondent No.1 on record.
3. Necessary amendment to be carried out within a period of two weeks.
4. The application stands disposed of accordingly.

CIVIL APPLICATION (CAS) NO.574/2020

1. The present application is filed for bringing legal representatives of appellant No.3 on record. It is submitted that appellant No.1 Kamlabai wd/o Dinkar Thakre died on 01/04/2020 i.e. during the Lockdown period of Covid-19 and appellant Nos.2 and 3 were her legal heirs who were already on record. However, appellant No.3 Satish Dinkar Thakre also expired on 04/09/2020 leaving behind his legal representatives mentioned in paragraph No.2 of the application.

2. Though, respondents opposed the application, as right to sue survives, I am inclined to allow the application. Accordingly, application is allowed.

3. Permission is granted to delete the name of appellant No.3 and to bring the names of legal representatives of appellant No.3 on record.

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

5. The application stands disposed of accordingly.

SECOND APPEAL NO.379/2019

Shri S.K. Bhattacharya, learned Counsel waives notice for legal representatives of respondent No.1.

JUDGE

R.S. Sahare