

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

CIVIL APPLICATION NO.726 OF 2023

IN

FIRST APPEAL NO.1032 OF 2011

(V.I.D.C. Vs. Surendra s/o Shantilal Dave and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vinay Dahat, Advocate for the applicant.
Shri A. Kapoor, Advocate h/f Shri A.S. Jaiswal, Advocate for
respondent No.1.
Shri M.A. Kadu, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 21, 2023.

Heard.

2. By the present application, the appellant is seeking setting aside abatement and bring legal representatives on record and condonation of delay.

3. As per the contention of the appellant, respondent No.1 was expired on 04/04/2021 however, this fact came to his knowledge recently, and therefore, he filed this application.

4. Learned Counsel for respondent No.1 and learned Assistant Government Pleader for respondent No.2, have no objection.

5. For the reasons mentioned in the application, the delay is condoned, abatement is set aside and appellant is permitted to bring legal heirs of respondent No.1, on record.

6. The appellant to carry out necessary amendment.
7. After amendment is carried out, notice be issued to the proposed legal heirs.
8. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*