

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

CIVIL APPLICATION NO.2174 OF 2022

IN

FIRST APPEAL (ST.) NO.23951 OF 2014

(M.I.D.C. Vs. Smt. Shantabai wd/o Dadarao Ithape (dead), Ramchandra Dadarao Ithape (dead)
thr. L.R's and ors.)

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

Court's or Judge's Order

Shri Sagdeo, Advocate h/f Shri M.M. Agnihotri, Advocate for the
appellant.
Ms. Udeshi, A.G.P for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 20, 2023.

Heard.

2. By this application, the appellant is seeking setting aside abatement in bringing legal representatives of respondent Nos.1 and 2. It is submitted by the learned Counsel for the appellant that the appeal cannot be abated as the legal representatives are already on record.

3. Considering the reasons mentioned in the application, the other legal representatives which were not brought on record and it appears that therefore abatement order was passed.

4. In view of the reasons mentioned in the application, abatement order is set aside.

5. Civil application is disposed of.

CIVIL APPLICATION NO.2175/2022

Heard.

2. By this application, appellant is seeking condonation of delay which is caused in setting aside abatement in bringing legal representatives of respondent Nos.1 and 2 on record.

3. It is submitted by the appellant that though respondent No.1 is expired on 27/02/2015. The same was informed to this Court on 20/03/2015. The legal representatives of respondent No.1 were already on record, and therefore, abatement order was passed erroneously.

4. Considering the reasons mentioned in the application, the delay of 2756 days is condoned.

5. The application is disposed of accordingly.

CIVIL APPLICATION NO.2176/2022

Heard.

2. By this application, appellant is seeking permission to bring legal representatives of respondent Nos.1 and 2 on record.

3. The notice were already issued to the proposed legal representatives of respondent No.1.

4. Considering the reasons mentioned in the application, that the appellant got knowledge recently about the death of respondent Nos.1 and 2.

5. Learned Assistant Government Pleader submitted that she has no objection, if the application is allowed.

6. Considering the justifiable reasons given in the application for not bringing legal representatives on record. In view of the same, application is allowed.

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

8. Civil application is disposed of.

FIRST APPEAL (ST.) NO.23951 OF 2014

List the appeal on 03/02/2023.

2. First Appeal (St.) No.23283/2014 be tagged with this appeal.

(URMILA JOSHI-PHALKE, J.)

**Divya*