

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

CIVIL APPLICATION (CAS) NO.1321/2023

WITH

CIVIL APPLICATION (CAS) NO.1322/2023

WITH

CIVIL APPLICATION (CAS) NO.1323/2023

IN

SECOND APPEAL NO.423/2009

Smt. Yamunabai wd/o Rushi Sardare (dead) thr. LR's Shri Wamanrao s/o Tulshiram
 Indurkar Vs.

Shri. Madhukar s/o Jagannath Bhaisare

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

Court's or Judge's orders

 Shri Rohan Bhishikar, Advocate for appellants
 Shri Abhay Sambre, Advocate for respondent

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

DATED : 09/10/2023

The present applications are filed for condonation of delay in filing application for setting aside abatement and bringing legal representatives of deceased appellant on record. There is delay of 566 days in bringing legal representative of deceased appellant on record. Sole appellant expired on 19/09/2021.

2. As right to sue survives, the delay in filing for setting aside abatement is hereby condoned.
3. Abatement is set aside.
4. Both applications stand disposed of accordingly.

CIVIL APPLICATION (CAS) NO.1323/2023

As Civil Application No.1322/2023 is allowed, the delay in filing application for bringing representatives on record is also condoned.

2. As such, present application is filed for substituting the names of applicants in place of appellant.

3. For the reasons stated in the application, the application is allowed.

4. Applicants are permitted to substitute their names in place of deceased appellant.

5. Necessary amendment to be carried out within two weeks.

6. The application stands disposed of accordingly.

JUDGE

R.S. Sahare