

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

CIVIL APPLICATION (CAS) NO.97/2022
WITH
CIVIL APPLICATION (CAS) NO.98/2022
IN
SECOND APPEAL NO.359/2018

Arun s/o Mahadeorao Deshmukh

Vs.

Dasaru Chitu Walive thr. LR's Smt. Mainabai Sakharam Walive and others

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

Court's or Judge's orders

Ms Vedika Thakre, Advocate h/f Shri S.R. Deshpande, Advocate for
 appellant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 19/10/2023

The present application is filed for setting aside abatement in bringing legal representatives of deceased sole appellant on record. The appellant died on 08/07/2021. The death certificate is annexed along with application. The application is filed within limitation for setting aside abatement. As right to sue survive, the application is allowed.

2. The abatement is set aside.
3. The application stands disposed of.

CIVIL APPLICATION (CAS) NO.98/2022

The present application is filed for bringing legal representatives of deceased sole appellant who expired on 08/07/2021.

2. In spite of service of application, no reply is filed.
3. As right to sue survives, abatement is set aside and application is allowed.
4. Applicants 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.

JUDGE

R.S. Sahare