

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

CIVIL APPLICATION (CAS) NO.82/2022
WITH
CIVIL APPLICATION (CAS) NO.83/2022
WITH
CIVIL APPLICATION (CAS) NO.84/2022
IN
SECOND APPEAL NO.239/2008

Rageshwar s/o Nathuji Malwe and another
Vs.

Haribhau s/o Natthuji Malwe and others

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

Court's or Judge's orders

Shri S.N. Dongre, Advocate for applicants
Shri Rahul Tajne, Advocate for respondent Nos.1 to 4 & 5

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 09/03/2023

Present Civil Application No.82/2022 is filed for setting aside abatement, Civil Application No.83/2022 is filed for condonation of delay in filing application for bringing legal heirs of appellant No.1 and Civil Application No.84/2022 is filed for bringing legal heirs of appellant No.1.

2. Learned Counsel Shri S.N. Dongre, filed Vakalatnama on behalf of appellant Nos.1a to 1c.

3. As right to sue survive, application is allowed. Abatement is set aside and delay in filing application for bringing legal heirs is allowed.

4. The applicant is permitted to bring legal heirs of appellant No.1 on record.

5. Necessary amendment to be carried out within one week.

6. All applications stand disposed of accordingly.

CIVIL APPLICATION (CAS) NO.1052/2022

In view of the appearance given on behalf of the legal heirs of appellant Nos.1a to 1c, the application for permission to serve legal heirs of applicant by paper publication does not survive and accordingly disposed of.

CIVIL APPLICATION (CAS) NO.50/2019

List the matter on 15/03/2023 for orders.

JUDGE

R.S. Sahare