

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

CAF NOS.475, 476 AND 477/2023 AND FA NO.1012/2019

VIDC, Washim

..VS..

Vishnu Ramchandra Ade and ors

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

Court's or Judge's Order

.....
Shri K.P.Mahalle, Counsel for the Applicant.
Shri A.B.Darekar, Counsel for NA No.1.
Ms T.H.Udeshi, AGP for NA No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2023

1. By these applications, the applicant seeks condonation of delay in bringing legal representatives of deceased respondent No.1 on record and setting aside abatement against respondent No.1 and for bringing legal representatives of respondent No.1 on record. Delay is of 219.

2. As per contentions of the applicant that respondent No.1 died on 29.11.2021. However, learned counsel for the applicant filed pursis on 31.1.2022. After filing of the pursis, the applicant got knowledge about death of respondent No.1. Immediately, the applicant has preferred the appeal but inadvertently it was misplaced and, therefore, no steps are take and, therefore, the delay is caused. The delay is not intentional one. There is sufficient and reasonable cause for condonation of delay and hence the delay be condoned.

3. Learned counsel for respondent No.1 and learned Assistant Government Pleader have no objection if the delay is condoned.

4. For reasons stated in applications, applications are allowed. The delay stands condoned. Abatement of appeal against

respondent No.1 is aside. Legal heirs of respondent No.1 be brought on record within a period of two weeks.

5. All applications are **disposed** of.
6. List the appeal after two weeks.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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