



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

**CIVIL APPLICATION (CAS) NOS. 1295/2022, 1294/2022 & 1296/2022**  
**IN**  
**SECOND APPEAL NO. 391 OF 2017**

LAHANYA S/O. BAPU DHARADE AND ORS.

**...VERSUS...**

SMT. JUMLABAI WD/O. NAGO SHELKI THR. P.O.A. TUKDYA S/O. NAGO SHELKI

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

*Court's or Judge's order*

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Shri M.R.Joharapurkar, Advocate for appellants/applicants.  
Shri S.D. Zoting, Advocate for respondent.

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

**DATE : 07<sup>th</sup> OCTOBER, 2023**

The Civil Application (CAS) No. 1295/2022 is filed for condonation of delay in the filing applications for setting aside abatement and for bringing the legal heirs of sole respondent on record.

2. The Civil Application (CAS) No. 1294/2022 is filed for for setting aside abatement against sole respondent.

3. The Civil Application (CAS) No. 1296/2022 is filed for bringing the legal heirs of sole respondent on record.

4. Shri S.D. Zoting, learned counsel waives notice for proposed legal heirs of sole respondent. He has no objection to allow the present applications.

5. For the reasons stated in the applications, the applications are allowed. Delay in filing applications for setting aside

abatement and for bringing the legal heirs of sole respondent on record is hereby condoned. The abatement is set aside. Permission is granted to bring the proposed legal heirs of sole respondent on record.

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

7. Accordingly, the applications stand disposed of.

8. After amendment is carried out, issue notice to the proposed legal heirs of sole respondent.

9. Shri S.D. Zoting, learned counsel waives notice for proposed legal heirs of sole respondent.

**CIVIL APPLICATION (CAS) NOS. 680/2023, 679/2023 & 681/2023**

The Civil Application (CAS) No. 680/2023 is filed for condonation of delay in the filing applications for setting aside abatement and for bringing the legal heirs of appellant no. 1 on record.

2. The Civil Application (CAS) No. 679/2023 is filed for for setting aside abatement against appellant no. 1.

3. The Civil Application (CAS) No. 681/2023 is filed for bringing the legal heirs of appellant no. 1 on record.

4. The learned counsel for proposed legal heirs of sole respondent has no objection to allow the present applications.

5. For the reasons stated in the applications, the applications are allowed. Delay in filing applications for setting aside

abatement and for bringing the legal heirs of appellant no. 1 on record is hereby condoned. The abatement is set aside. Permission is granted to bring the names of proposed legal heirs of appellant no. 1 on record.

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

7. Accordingly, the applications stand disposed of.

**CIVIL APPLICATION (CAS) NOS. 1298/2022, 1297/2022 & 1299/2022**

The Civil Application (CAS) No. 1298/2022 is filed for condonation of delay in the filing applications for setting aside abatement and for bringing the legal heirs of appellant no. 3 on record.

2. The Civil Application (CAS) No. 1297/2022 is filed for for setting aside abatement against appellant no. 3.

3. The Civil Application (CAS) No. 1299/2022 is filed for bringing the legal heirs of appellant no. 3 on record.

4. The learned counsel for proposed legal heirs of sole respondent has no objection to allow the present applications.

5. For the reasons stated in the applications, the applications are allowed. Delay in filing applications for setting aside abatement and for bringing the legal heirs of appellant no. 3 on record is hereby condoned. The abatement is set aside. Permission is granted to bring the names of proposed legal heirs of appellant no. 3 on record.

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

7. Accordingly, the applications stand disposed of.

**SECOND APPEAL NO. 391 OF 2017**

At this juncture, both the parties have agreed to refer the matter for mediation.

2. Both the parties by consent suggested the name of Mediator Advocate Shri Smt. Ujwala A. Patil.

3. The parties to appear before learned Mediator on 27/10/2023 at 02.00 p.m.

4. The Co-ordinator, High Court Legal Services Sub-Committee, Nagpur to take necessary steps.

**(Smt. M.S. Jawalkar, J.)**

B.T.Khapekar