

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

CIVIL APPLICATION (CAF) NO.2698 OF 2022

IN
FIRST APPEAL NO.707 OF 2014

Smt. Kamla-bai Vishnu Sadavarte

Vs.

State of Maharashtra through District Collector, Buldhana and another

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

Court's or Judge's orders

Mr. Nikhil Waghmare, Advocate h/f Mr. P. B. Patil, Advocate for the applicant.
Mr. M. A. Kadu, AGP for non-applicant No.1.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/03/2023

1. This application is for condonation of delay in filing application for bringing legal heirs of the original claimant Kamlabai Vishnu Sadavarte.

2. As per the contention of the learned Advocate for the applicant, the matter was listed on 30.09.2022 before that it was not listed and therefore he has no occasion to know about the death of the original claimant. The appellant had expired on 21.07.2008, therefore delay of 1501 days is caused in preferring the appeal.

3. Notice of the said application is already served on the non-applicants. In view of the reasons mentioned in the application, delay of 1501 days is condoned.

4. Civil Application is disposed of.

Civil Application (CAF) No.2699 of 2022

1. Issue notice to the proposed legal heir Sanjay s/o Vishnu Sadavarte, returnable after four weeks.
2. In view of the reasons mentioned in the application, abatement order is set aside.
3. The applicant is permitted to carry out the necessary amendment within stipulated period.
4. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate