

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

CIVIL APPLICATION (CAS) NO.269/2023

IN
SECOND APPEAL NO.23/2008

Abdul Rahman Khan s/o Daudkhan (dead)

Vs.

Smt. Panchfulabai wd/o Digamber Yelmule 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 M.A. Deo, Advocate for appellant
Shri A.Y. Kapgade, Advocate for respondent Nos.1 and 2

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

DATED : 27/04/2023

The present application is filed for condonation of delay in filing application for bringing legal representatives of sole appellant. There is delay of 30 days. The reason given in the application is that applicants were not aware that legal representatives to be brought on record within 90 days. There is no intentional or deliberate delay nor parties were benefited by causing delay of 30 days.

2. The learned Counsel for respondent vehemently opposed the application.

3. As sufficient reason shown by the applicant, I am inclined to allow application. Delay in filing application for bringing legal representatives of sole appellant is hereby condoned.

4. The application is disposed of accordingly.

CIVIL APPLICATION NO.270/2023

The present application is filed for bringing applicants names in place of deceased appellant. The death certificate of appellant is placed on record along with application. As right to sue survive, the application is allowed.

2. Applicants are permitted to substitute their names in place of appellant.
3. Necessary amendment be carried out within a week.
4. The application is disposed of accordingly.
5. After amendment is carried out, list the matter for final hearing in the week commencing from 12/06/2023.

JUDGE*R.S. Sahare*