

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

CAF NOS.2944 AND 2945/2022 AND FA NO.260/2020
Maharashtra State Road Transport Corporation, thr.its Divisional, Division
Gadchiroli

..VS..

Sadhuji s/o Madguji Hole and ors

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

Court's or Judge's Order

.....
Shri V.H.Kedar, Counsel for the Applicant/Appellant.
Shri P.P.Pendke, Counsel for Respondent Nos.1 and 2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/01/2023

1. Heard.
2. These applications are filed for setting aside abatement against respondent Nos.1 and 2.
3. As per contentions of the applicant/appellant, the appeal was listed on 23.9.2021 and learned counsel for respondent Nos.1 and 2 filed pursis dated 21.9.2021 informing that respondent No.1 expired on 9.5.2021 and respondent No.2 expired on 15.5.2021.
4. The appeal was abated on 21.10.2021. Whereas, the appellant has filed application for grant of permission for bringing legal heirs of deceased respondent nos.1 and 2 on record on 22.10.2021. There was miscalculation of the limitation period. In fact, there was no delay. Applications are filed within the time.
5. The applicant/appellant has no objection for setting aside the abatement against respondent nos.1 and 2.
6. For reasons stated in applications, applications are allowed. The abatement of the appeal so far as it relates to respondent Nos.1 and 2 is set aside. The proposed legal heirs be brought on record. Necessary amendment be carried out accordingly.
7. List the first appeal on 17.1.2023.
8. Civil Applications are **disposed** of.

(URMILA JOSHI-PHALKE, J.)

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