

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

CIVIL APPLICATION (CAF) NO.433 OF 2023
IN
FIRST APPEAL NO.1351 OF 2019

Vidarbha Irrigation Development Corporation, Through the Executive Engineer,
Yavatmal and another

Vs.

Mohan Bhaurao Kakade and others

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

Court's or Judge's orders

Ms. Mallika Babhulkar, Advocate h/f Mr. M. A. Kadu, Advocate for the appellants.
Mr. S. V. Ingole, Advocate for respondent No.2.
Ms. Shamsi Haider, AGP for respondent Nos.3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/02/2023

1. By this application, appellants are seeking condonation of delay in bringing legal heirs of respondent No.1 for setting aside abatement order and for grant of permission to bring legal representatives of respondent No.1 on record.
2. Learned Advocate Mr. Ingole waives notice for the proposed legal heirs.
3. As per the contention of the appellants on 28.11.2022, the counsel for the respondent Nos.1 and 2 informed about the death of the respondent No.1, thereafter appellants have prepared the application and send it for the swearing to the department wherein the time was consumed, and therefore, delay of 570 days is caused in bringing the legal heirs.

4. Learned Advocate Mr. Ingole submitted that respondent No.2 and legal heirs of respondent No.1 have no objection for condonation of the delay.
5. Learned AGP has also no objection for condonation of delay.
6. In view of the reasons mentioned in the application, delay of 570 days is condoned. Abatement order is set aside and appellants are permitted to bring the legal heirs on record.
7. Appellants to carry out the amendment within stipulated period.
8. Civil Application is disposed of.

FIRST APPEAL NO.1351 OF 2019

Stand over after three weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate