

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

...
CIVIL APPLICATION (S) NOS. 598 & 599 both of 2023
IN
SECOND APPEAL NO.426/2013

Hindustan Petroleum Corporation

..Appellant /s

versus

Shankar @ Shashikumar Ramorao

Deshmukh and another

..Respondent/s

.....
Mr. K.B. Saroday, Adv.h/for Mr V.V. Bhangde, Advocate for the appellants
/ applicants

Mr. Anand Parchure, Adv.for Respondent no.1
.....

CORAM: ANIL L. PANSARE, J.

DATED : 30th June, 2023.

PC:

Heard.

2. By these applications, the applicant is seeking to set aside the abatement of appeal against the respondent no.1 and to condone of delay in filing an application to bring on record the Legal Representatives of respondent No.1.

3. The respondent No.1 has expired on 20th August, 2022. The applicant was unaware of the said fact. The counsel for respondent No.1 had filed *pursis* on 21st November, 2022 stating therein that the respondent no.1 has expired. The present applications have been filed on 15th December, 2022.

4. Thus, it appears that prompt steps have been taken by the applicant in filing the applications. Mr. Parchure, learned counsel for respondent no.1 who used to appear on behalf of respondent No.1 is

now appearing for LRs of Respondent No.1. He has no objection if the applications are allowed.

5. In view of the above and for the reasons set out in the Applications, both applications are allowed. The abatement of appeal as against the respondent No.1 is set aside. The delay in filing application for bringing LRs of respondent No.1 on record is condoned. The applicant is permitted to bring on record the LRs of respondent No.1. Necessary amendment be carried out within one week. The amended copy be served upon the newly added respondent No.1. Mr. Parchure, waives service for LRs of Respondent No.1.

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The learned Advocates for the respective parties submit that there is an element of settlement in the matter. In view thereof, the matter is referred to mediation.

Mr S.V. Purohit, learned Advocate is requested to act as a mediator. The parties shall appear before the mediator on 17th July 2023 at 2.15 p.m. and thereafter as and when directed.

List once the mediation report is filed.

[ANIL L. PANSARE, J.]

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