



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

**CIVIL APPLICATION (CAS) NOS. 1527/2023 AND 1528/2023**  
**IN**  
**SECOND APPEAL NO. 135 OF 2006**

SHRI RAMCHANDRA S/O. DEWAJI RAUT

**...VERSUS...**

RAJENDRA S/O. DHONDABA RAUT

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

*Court's or Judge's order*

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Shri V.N.Morande, Advocate for appellant.

Shri M.A.Deo, Advocate for respondent.

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

**DATE : 04<sup>th</sup> DECEMBER, 2023**

The Civil Application (CAS) No. 1527/2023 is filed for condonation of delay in filing application for setting aside abatement and for bringing the legal heirs of deceased appellant on record.

2. The Civil Application (CAS) No. 1528/2023 is filed for setting aside abatement and for bringing the legal heirs of deceased appellant on record.

3. There is delay of 667 days in filing the application for setting aside abatement and 727 days' delay in filing the application for bringing the legal heirs of deceased appellant on record.

4. Though the present applications are opposed by the learned counsel for the respondent, for the reasons stated in para 4 and 5 of CAS No. 1527/2023, I am satisfied that there is justifiable reason for delay. As such, the present applications are allowed.

5. The abatement is set aside and the applicants are permitted to bring the names of legal heirs of deceased appellant on record.
6. Necessary amendment to be carried out within a period of two weeks.
7. Accordingly, the applications stand disposed of.

**(Smt. M.S. Jawalkar, J.)**

B.T.Khapekar