



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

CIVIL APPLICATION (CAS) NO. 15/2023
WITH
CIVIL APPLICATION (CAS) NO. 16/2023
WITH
CIVIL APPLICATION (CAS) NO. 17/2023
IN
SECOND APPEAL NO. 302/2011

Anandrao Tejramji Selokar and another
Vs.
Sudhakar Tejramji Selokar

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

Court's or Judge's orders

Ms Tejal Agre, Advocate h/f Shri S.P. Bhandarkar, Advocate for appellants

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 30/10/2023

In spite of waiving notice, none appeared for
the proposed legal representatives, though reply is filed.

CIVIL APPLICATION (CAS) NO. 15/2023

Present application is filed for condonation of
delay and for setting aside abatement against respondent
No.1. There is delay of 544 days in filing application.

2. Learned Counsel has drawn my attention to the additional affidavit filed on 04/10/2023, wherein, delay is explained that they were not aware that earlier Advocate have not taken any step to bring legal representative of respondent. The reasons stated in the application supported with affidavit. I am satisfied that there is no intentional or deliberate delay in filing application for setting aside abatement and for bring legal representatives on record. As such, application is allowed.

3. Delay in filing application for setting aside abatement and bringing legal representatives on record is hereby condoned.

4. Abatement is set aside.

CIVIL APPLICATION (CAS) NO. 16/2023

Present application is filed for bringing legal representatives of respondent No.1. Application is supported by affidavit and death certificate.

2. None for the respondent.

3. As right to sue survives, the application is

allowed. The appellants are permitted to bring on record name of legal representatives of respondent No.1, as mentioned in paragraph No.3 of the application.

4. Application is allowed.

5. Necessary amendment to be carried out within a period of one week.

CIVIL APPLICATION (CAS) NO. 17/2023

Learned Counsel to file fresh affidavit stating therein, when learned Counsel has filed Vakalatnama in the matter.

(SMT. M.S. JAWALKAR, J.)