

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

CIVIL APPLICATION (CAF) NO.1390/2023

IN

FIRST APPEAL NO.858/2015

Punjaram s/o Kisan Nande and others

Vs.

The State of Maharashtra thr. Collector, Yavatmal and others

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

Court's or Judge's orders

Shri S.S. Nemade, Advocate h/f Shri S.U. Nemade, Advocate
for appellants

Ms T.H. Udeshi, AGP for respondent Nos.1 and 3

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

DATED : 09/06/2023

The present application is filed by appellants for condonation of delay in setting aside abatement and bringing legal representatives of deceased appellant No.3 on record. It is submitted that legal representatives of deceased appellant is married daughter and legal representatives and they are rustic litigants and are unaware about the procedural aspects. As such, delay has been caused to take steps in respect of deceased appellant No.3.

2. For the reason stated in the application, application is allowed. Delay in filing application for setting aside abatement and bringing legal representatives is hereby condoned.

3. The Application stands disposed of accordingly.

CIVIL APPLICATION (CAF) NO.1391/2023

Present application is filed for setting aside abatement and bringing legal heirs of deceased appellant No.3 on record. For the reasons stated above and as right to sue to survive, application is allowed.

2. Applicants are permitted to bring legal representatives of deceased appellant No.3 on record. Abatement is set aside.

3. Necessary amendment to be carried out within two weeks.

4. The application stands disposed of accordingly.

JUDGE

R.S. Sahare