



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

Civil Application (CAO) Nos. 141 to 143 of 2024

in

Misc. Civil Application No. _____ of 2024

in

Second Appeal No. 146 of 2001 (D)

[Ramdas S/o. Shankarrao Gaikwad (deceased through LRs) Shobha w/o Baban Ingole and ors. **..vs..**
Hanumanprasad s/o Ramjeevan Goenka (deceased through LRs) Ajaykumar H. Goenka and ors.]

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

Court's or Judge's orders

Mr. Saumitra Kanetkar, Advocate instructed by Mr. V. R. Deshpande,
Advocate for the applicants

CORAM : ANIL L. PANSARE J.

DATED : 13-02-2024

The appellants have moved these applications for setting aside abetment, condonation of delay of 1105 days in filing application for bringing on record legal representatives of the respondent.

Learned counsel for the applicants submits that the impugned judgment and order is also a subject matter of Second Appeal No. 147/2001. The applicants/appellants, who are legal representatives of original appellant, were not aware of the pendency of the connected appeal (i.e. present appeal viz. Second Appeal No. 146/2001) and could not take steps in time. They have filed applications when they came to know about pendency of this appeal.

Learned counsel for the non-applicant/respondent is absent. The reply has been not filed, meaning thereby that the grounds put forth by the applicants have been not challenged.

In view of the above and for the reasons set out in the applications, the applications are allowed as prayed for. Necessary amendment be carried out forthwith.

The applications are disposed of in above terms.

Civil Application (CAO) No. 140 of 2024

By present application, the applicants/appellants are seeking to condone delay of 4952 days in filing restoration application.

Learned counsel for the applicants submits that the applicants were not aware of the pendency of the connected appeal (i.e. present appeal viz. Second Appeal No. 146/2001) and could not take steps in time. They have filed applications when they came to know about pendency of appeal viz. Second Appeal No. 146/2001.

Learned counsel for the non-applicant/respondent is absent. The reply has been not filed, meaning thereby that the grounds put forth by the applicants have been not challenged.

In view of above and for the reasons set out in the application, the application is allowed as prayed for. Restoration application be registered.

Misc. Civil Application No. 139 of 2024

For the reasons set out in the application, Second Appeal No. 146/2001 is restored on file.

The application is disposed of.

Second Appeal No. 146/2001

Adjournment is sought on the ground that learned counsel for the appellants is not keeping well.

List on 27-2-2024 along with Second Appeal 147/2001.

(Anil L. Pansare, J.)

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