



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

CIVIL APPLICATION NOS. 521 AND 520 OF 2024

IN

FIRST APPEAL NO. 774 OF 2016

Ravindra s/o Balkrishna Nikam

VS.

State of Maharashtra and others

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

Mr. S.D. Chopde, Advocate for the appellant.

Mr. H.D. Dubey, AGP for respondent Nos.1, 2 and 4/State.

Ms Mallika Babhulkar, Advocate h/f Mr. M.A. Kadu, Advocate for respondent No.3.

CORAM : G.A. SANAP, J.

DATE : FEBRUARY, 20, 2024.

Civil Application No.521/2024 has been made for condonation of 1735 days delay caused in filing an application for setting aside abatement and bringing legal heirs of the deceased appellant on record. Civil Application No.520/2024 is made for setting aside the abatement.

2. Heard.

3. It is stated that the appellant died on 20.04.2017. The reasons for delay have been stated in the application. It is further pointed out that respondent No.3 has also filed appeal against the impugned judgment and award. It is pointed out that in the said appeal also legal heirs are required to be brought on record.

Learned Advocate for the appellant submits that he may not raise the objections for bringing the LRs of the deceased-appellant in the appeal filed by the respondents.

4. Copy of death certificate is produced on record. Particulars of the legal heirs have been mentioned. The applicant Nos.1 to 4 are the legal heirs of the deceased-appellant.

5. In view of the reasons stated in the applications the applications are allowed.

6. Delay of 1735 days caused in filing an application for setting aside abatement and bringing legal heirs of the deceased-appellant on record is set aside. Abatement of the appeal is set aside.

7. The applicant Nos. 1 to 4 are allowed to be brought on record in place of the deceased-appellant.

8. Necessary correction be made within one week.

9. Civil Applications stand disposed of.

(G. A. SANAP, J.)

Manisha