



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

CIVIL APPLICATION NOS.136 AND 137 OF 2024

IN

SECOND APPEAL NO. 525 OF 2006

Baby w/o Athayya Mistri (Dead) and Gangabai Chaitnarayan Vishwakarma and ors.

VS.

Balu Nagorao Sultane

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

Ms A.S. Lanjewar, Advocate h/f Mr. N.R. Saboo, Advocate for appellants.

Mr. K.B. Zinjarde, Advocate for respondent.

CORAM : G.A. SANAP, J.

DATE : FEBRUARY, 22 2024.

These are the applications filed by the applicants who are legal heirs of the deceased appellant No.2- Gangabai Chaitnarayan Vishwakarma.

2. It is stated that appellant No.2 died on 05.10.2018. It is stated that LR's were not brought on record therefore, the appeal has abated for appellant No.2. It is stated that right to sue survive and for complete adjudication of the appeal, it is necessary to bring them on record the LR's. of appellant No.2. It is to be noted that there is delay of about five years. The reasons have been stated in the application.

3. In view of the reasons stated in the application,

both the applications are allowed.

4. Delay caused in filing application for setting aside abatement and bringing legal heirs of deceased appellant No.2 on record condoned. Abatement of the appeal against appellant No.2 is set aside. The applicants are allowed to be brought on record as legal heirs of appellant No.2.
5. Necessary correction/amendment be carried out within one week.
6. Civil Applications stand disposed of.
7. Second appeal be listed after two weeks.

(G. A. SANAP, J.)

Manisha