



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

CIVIL APPLICATION NO. 880 OF 2024
IN FIRST APPEAL NO. 1255 OF 2017

(The Executive Engineer, Minor Irrigation Division, Pusad Vs. Kisan Fulsingh Rathod & Ors.)

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

Court's or Judge's orders.

Shri Amit M. Kukday, Counsel for the applicant/appellant.
Shri Aniket Kesharwani h/f Shri S.P. Kshirsagar, Counsel for
LRs of respondent no.1.
Shri M.A. Kadu, A.G.P. for respondent nos. 2 and 3.

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CORAM : ANIL L. PANSARE, J.
MARCH 20, 2024.

By present application, the applicant is seeking to condone delay of 1567 days in filing application for setting aside abatement against respondent no.1.

2] The learned Counsel for the applicant states that the applicant came to know of death of respondent no.1 on 19/10/2023 when pursis to that effect was filed indicating that respondent no.1 has expired on 30/6/2019.

3] Thus, there is a valid reason for not filing application in time.

4] The learned Counsel for the legal representatives of respondent no.1 has no objection, if the application is allowed.

5] In view of above and for the reasons set out in the application, the same is allowed. Delay of 1567

days in filing application for setting aside abatement against respondent no.1 is condoned.

6] The Civil Application is disposed of.

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7] By present application, the applicant is seeking to bring on record the legal representatives of respondent no.1.

8] The learned Counsel for the legal representatives of respondent no.1 has no objection, if the application is allowed.

9] In view of above and for the reasons set out in the application, the same is allowed. The applicant is permitted to bring on record the legal representatives of respondent no.1. Amendment be carried out within seven working days. Amended copy be served on the other side.

10] The Civil Application is disposed of.

(ANIL L. PANSARE, J.)

Sumit