



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

CIVIL APPLICATION (S) NO.217 OF 2024
WITH
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IN
SECOND APPEAL NO.78 OF 2009

[Najimunnisa Begum W/o Umarkha Musalman (Dead) thr LRs and
Ors. **..Vs..** Haji Rahematali Sarfuddin (Dead) thr LRs and Ors.]

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

Court's or Judge's order

Mr C. A. Joshi, Advocate for Applicants/Appellants.

CORAM : M. W. CHANDWANI, J.

DATE : 16th AUGUST, 2024.

1. Heard.
2. The applications are filed for condoning the delay in bringing the legal representatives of deceased respondent No.3 on record; permission to bring the legal representatives of deceased respondent No.3 on record and ; setting aside the abatement order.
3. The contention is that the respondent No.3 has died. Notices were issued to the proposed legal representatives of deceased respondent No.3. They appeared through counsel, but no reply has been filed.
4. For the reasons mentioned in the applications, the applications are allowed and the delay in filing the application is hereby condoned. Since right to sue survives against the legal representatives of deceased respondent No.3, permission is

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granted to bring the legal representatives of respondent No.3 on record. Accordingly, abatement order is hereby set aside.

5. In aforesaid terms, the applications are disposed of.

6. Necessary amendment be carried out within a week. After the amendment is carried out, notices be issued to the newly added respondents.

JUDGE