



-390-2024

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

CIVIL APPLICATION NOS. 390, 389 AND 391 OF 2024 IN
SECOND APPEAL NO. 513 OF 2005

(Durjan s/o Bansi Patle (dead) & Ors. Vs. Rupchand s/o Bansi Patle (dead))

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

Court's or Judge's orders.

Mr. Pramod Bapat h/f Mr. P.S. Tembhare, Counsel for the
applicant/appellant no.2.

CORAM : ANIL L. PANSARE, J.
NOVEMBER 27, 2024

By present applications, the applicant/appellant no.2 is seeking to condone delay of 9 years 9 months and 15 days in filing application for setting aside abatement and bringing legal representatives of the respondent on record and to permit to bring on record the said legal representatives.

2] The learned Counsel for the applicant submits that the applicant was unaware of death of the respondent. He came to know about the same when the matter was listed for final hearing in February – 2024 and thereafter took steps to gather the names of the legal representatives of the respondent and once their names were so gathered, he filed the application.

3] None appears for the legal representatives of the respondent, though served and, thus, the

pleadings and arguments made by the applicant stand uncontroverted.

4] In view of above and for the reasons set out in the applications, the applications are allowed. Delay is condoned. Abatement against the respondent is set aside. The applicant is permitted to bring on record the legal representatives of the respondent on record.

5] Necessary amendment be carried out within seven working days from today.

6] Once the amendment is carried out, issue notice to the newly added respondents returnable three weeks thereafter.

JUDGE