



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

CIVIL APPLICATION (CAS) NO.843 OF 2023

WITH

CIVIL APPLICATION (CAS) NO.844 OF 2023

WITH

CIVIL APPLICATION (CAS) NO.845 OF 2023

IN

SECOND APPEAL NO.70 OF 2015

[Rajeshwarabai @ Rajakkabai Nanaji Mademwar and Ors. **..Vs..**
Bhagyawati W/o Wasudeo Karderwar 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 V. N. Morande, Advocate for Applicant/Appellant.

Mr M. Deo, Adv. h/f Mr R. Joshi, Advocate for Non-Applicant Nos.1, 2, 3, 5 to 7.

CORAM : M. W. CHANDWANI, J.

DATE : 11th JUNE, 2024.

. By these applications, the applicants/appellants are seeking condonation of delay in bringing the legal heirs on record; permission to bring the legal heirs on record by setting aside the abatement of appeal.

2. Learned counsel for appellant submits that the appellant No.1, who used to look after the present matter did not contact the counsel for considerable time. Therefore, the counsel contacted the appellant No.3 and recently he came to know about the death of appellant No.1 and filed these present applications.

3. Considering the contentions of the applications, there is sufficient cause for not bringing the legal heirs on record within limitation period. Hence, the delay is condoned. Since right to sue survives in favour of the legal heirs, therefore the

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order of abatement of appeal is set aside and permission to bring the legal heirs on record is granted.

4. Accordingly, the applications are disposed of.

SECOND APPEAL NO.70 OF 2015.

5. Appellants to carry out necessary amendment within two weeks from today and thereafter, the matter be listed for final hearing, as per its turn.

(JUDGE)