



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO.1611 OF 2023 IN
SECOND APPEAL NO.408 OF 2023

Shri Shivshakti Gruha Nirman Sahakari Sanstha Ltd, Nagpur through its Treasurer
Shri Kisan S/o Dhirvruji Tambe .Vs. Waman S/o Ganesh Ambekar through LR's.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.A. Sharma, Advocate for appellant.

Shri P.A. Deshpande, Advocate for respondents.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 28/06/2024

1. This is an application for taking coercive action under Section 340 of the Code of Criminal Procedure of 1908 on the ground that some evidence of fabricated and forged document are filed on record
2. Perused the application and say filed by the other side.
3. The application can not be decided at this stage. It can be decided along with appeal.
4. Considering this position of the law, it would be proper to decide this application at the time of final hearing of appeal. Concerned to note and point out it at the time of final hearing of appeal.

CIVIL APPLICATION (CAS) NO.310 OF 2024

5. This is an application for permission to amend the cause title and thereby supply correct details of respondent No.72.
6. Perused the application.
7. It is typographical mistake for both the sides. For the reasons stated in the application, the application is **allowed** in the interest of justice.
8. Appellant is directed to carry out the amendment within **a week**.
9. Permission to serve the notice to the respondent No.72 by RPAD is granted.
10. Civil application is **disposed of** accordingly.

CIVIL APPLICATION (CAS) NO.311 OF 2024

11. This is an application for condonation of delay for setting aside abatement and for bringing the legal heirs on record of respondent No.11.
12. Perused the application.
13. For the reasons stated in the application, the application is **allowed**.
14. Abatement is set aside.
15. The Civil application is **disposed of** accordingly.

CIVIL APPLICATION (CAS) NO.312 OF 2024

16. This is an application for condonation of delay for setting aside abatement and for bringing the legal heirs of respondent No.13 on record.

17. For the reasons stated in the application and as the reasons are found satisfactory showing sufficient cause for causing delay, the application is **allowed**.

18. The delay caused for bringing the legal heirs of respondent No.13 on record is condoned.

19. Civil application is **disposed of** accordingly.

CIVIL APPLICATION (CAS) NO.313 OF 2024

20. This is an application for condonation of delay for setting aside abatement and for bringing the legal heirs of respondent No.46 on record.

21. The appellant got knowledge about the death of respondent No.46 on 05.04.2024 therefore, he would file the application within time.

22. For the reasons stated in the application and as the reasons are found satisfactory showing sufficient cause for causing delay, the application is **allowed**.

23. The delay caused for bringing the legal heirs of respondent No.46 on record is condoned.

24. Civil application is **disposed of** accordingly.

CIVIL APPLICATION (CAS) NO.1612 OF 2023

25. The learned advocate for the respondent submits that copy of the application is not supplied. The learned advocate for the appellant is directed to supply the copy within **two weeks**.

26. Civil application is **allowed** in the interest of justice.

CIVIL APPLICATION (CAS) NO.314 OF 2024

27. This is an application for condonation of delay for setting aside abatement and for bringing the legal heirs of respondent No.63(a) on record.

28. For the reasons stated in the application and as the reasons are found satisfactory showing sufficient cause for causing delay, the application is **allowed**.

29. The delay caused for bringing the legal heirs of respondent No.63(a) on record is condoned.

30. Civil application is **disposed of** accordingly.

CIVIL APPLICATION (CAS) NO.1537 OF 2023

31. This application is filed along with pursis dated 24.06.2024.

32. By this pursis, the appellant has communicated with this Court that Marotirao Sadashiv Savarkar died on 10.06.2024. His death certificate is also filed on record.

33. Considering this important fact, the application filed by the Marotirao Sadashiv Savarkar bearing civil application No.1537 of 2024 become infructuous and **disposed of.**

SECOND APPEAL NO.408 OF 2023

34. Stand over to **one week.**

35. Till then, interim order to continue.

36. All the amendment be carried out within **a week.**

(SANJAY A. DESHMUKH, J.)