



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

CIVIL APPLICATION (CAS) NO. 449 OF 2024
IN
SECOND APPEAL NO. 232 OF 2006

VIJAYABAI SHALIKRAM GHARATKAR

–Vs. –

SUDARSHAN BHAGWANJI BHARTI

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

Court's or Judge's Order

Shri Saurav Rajurkar, Advocate h/f. Shri Anand Parchure, Advocate for
appellant.

Shri Isha Singh, Advocate h/f. Shri M.V. Samarth, Advocate for
respondent.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 07/08/2024

Issue notice to the legal heirs of respondent.

2. Ms. Isha Singh, learned Advocate h/f. Shri M.V. Samarth, learned Advocate waives notice for the legal heirs of respondent.

3. This is an application for condonation of delay of 583 days caused in preferring the application for setting aside abatement and bringing the legal heirs of respondent.

4. The sole respondent has died on 12/06/2022 and the application is moved on 14/06/2024 after two years. There are no sufficient grounds to allow the application. The appeal is old of the year 2006. It means the appeal is 18 years old. Considering this aspect, it would be proper to

allow the application in the interest of justice, subject to deposit of heavy costs. As such, the application is allowed. Delay is hereby condoned, subject to costs of Rs. 3,000/- to be paid to the Vidarbha Lady Lawyers' Association, Nagpur within a period of one week.

5. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAS) NO. 448 OF 2024

This is an application for permission to bring the legal heirs of the respondent on record by setting aside abatement.

2. Perused the application.

3. Heard the learned Advocate for the appellant.

4. Issue notice to the legal heirs of respondent.

5. Ms. Isha Singh, learned Advocate h/f. Shri M.V. Samarth, learned Advocate waives notice for legal heirs of respondent.

6. For the reasons stated in the application, the application deserves to be allowed in the interest of justice. Accordingly, the application is allowed. Abatement is set aside. The appellant is permitted to bring the legal heirs of respondent on record.

7. After depositing the costs of Rs. 3,000/- as per the above order in Civil Application No. 449/2024, the

appellant shall carry out the amendment in the appeal within one week.

8. Accordingly, the application stands disposed of.

(SANJAY A. DESHMUKH, J.)

B.T. Khapekar