



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

CIVIL APPLICATION (S) NO.488 OF 2024

AND

CIVIL APPLICATION (S) NO.489 OF 2024

AND

CIVIL APPLICATION (S) NO.490 OF 2024

IN

SECOND APPEAL NO.23 OF 2009

[Pralhad Narayan Nimkarde (Dead) thr LRs ..Vs.. Gayabai Dnyandev
Wavatalikar and Ors.]

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

Court's or Judge's order

Ms V. Gurdey, Adv. h/f Ms R. D. Raskar, Advocate for Applicant/Appellant.
Mr O. Y. Kashid, Advocate for Non-Applicant Nos.1 to 6.
Mr S. S. Deshpande, Advocate for Non-Applicant No.7.

CORAM : M. W. CHANDWANI, J.

DATE : 16th JULY, 2024.

. Heard.

2. By the application, the applicant wants to bring her name as legal representative of the deceased appellant Bhimabai Pralhad Nimkarde. However, the delay was caused, therefore, the application for condonation of delay has been made apart from application for setting aside abatement order.

3. Learned counsel for non-applicants have no objection.

4. Considering the reasons mentioned in the application, the delay in bringing the legal heirs of deceased appellant on record is hereby condoned. Since right to sue survives infavour of the legal heir of deceased appellant, the applicant is permitted to be brought on record. Accordingly, the

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abatement order of appeal is set aside.

5. The civil applications stand disposed of.

SECOND APPEAL NO.23 OF 2009

6. List this matter for final hearing as per its turn.

JUDGE