



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

**CIVIL APPLICATION (CAF) NO. 752 OF 2024**  
**AND**  
**CIVIL APPLICATION (CAF) NO. 753 OF 2024**  
**IN**  
**FIRST APPEAL NO. 1531 OF 2019**

The Executive Engineer, Yavatmal

VS.

Nilkanth Bhojraj Rathod and others

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

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Mr V. B. Rathi, Adv. h/f. Mr Purushottam Patil, Advocate for appellant  
Mr Mohit Dubey, Adv. h/f. Mr A. B. Nakshane, Advocate for respondent No.1  
Ms Prachi Joshi, AGP for respondent Nos. 2 and 3/State

**CORAM : G.A. SANAP, J.**  
**DATE : MAY 8, 2024.**

Heard.

2.        The Civil Application No. 752 of 2024 has been made for condonation of delay in filing application for bringing legal representatives of respondent No.1 on record and Civil Application No. 753 of 2024 has been made for setting aside the abatement and for bringing on record legal heirs of respondent No.1, who died on 20.10.2021.

3.        In view of the facts stated in the applications, both application are allowed.

4. Delay of 630 days caused in filing the application for setting aside the abatement is condoned.
5. The abatement of the appeal is set aside.
6. The appellant is permitted to bring on record the legal heirs of respondent No.1 namely respondent Nos. 1(a) to 1(c).
7. Necessary correction be made within one week.
8. Both civil applications stand **disposed of**, accordingly.

(G. A. SANAP, J.)

*Namrata*