



370-2023

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

CIVIL APPLICATION NO. 370 OF 2023
IN SECOND APPEAL NO. 404 OF 2009

(Anandrao Natthuji Tarankar Vs. Nandlal Hemandas Sahajramani)
(Applicant – Smt. Suman wd/o Anandrao Tarankar)

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

Court's or Judge's orders.

Shri S.K. Chaware, Counsel for the LR's of the applicant/
appellant.

Shri G.I. Dipwani, Counsel for the non-applicant/respondent.

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CORAM : ANIL L. PANSARE, J.
APRIL 22, 2024.

By present application, one of the legal representatives, namely, Smt. Suman, is seeking to condone delay in filing application for bringing on record the legal representatives of the appellant.

2] The learned Counsel for the applicant submits that the appellant, late Anandrao, never disclosed about pendency of Court cases to any of his family members to which the learned Counsel for the non-applicant has invited my attention to the written statement filed by the appellant before the trial Court, wherein the appellant has averred that the respondent/non-applicant pressurized him (appellant) to ask his son to withdraw the proceedings initiated by him (son) against the respondent/non-applicant. The learned Counsel for the non-applicant accordingly contends that the son was aware of pendency of cases.

3] To my mind, to jump to such a conclusion is something which is beyond what has been stated in the written statement. The appellant has averred about the proceedings initiated by his son against the respondent/non-applicant. He has not stated anything about pendency of present case.

4] In view of above and for the reasons set out in the application, the same is allowed. Delay of 1430 days in filing application for setting aside abatement and bringing legal representatives of the deceased appellant on record, is condoned.

5] The Civil Application is disposed of.

**CIVIL APPLICATION NOS. 369/2023 AND 371/2023 IN
SECOND APPEAL NO. 404/2009**

6] By present applications, the legal representatives of the appellant are seeking to set aside abatement of appeal and to permit them to pursue the appeal.

7] For the reasons set out in the applications, the same are allowed as prayed for. The applicant shall carry out necessary amendment in the cause title and serve amended copy upon the respondent/non-applicant.

8] The Civil Applications are disposed of.

SECOND APPEAL NO. 404 OF 2009

9] Considering the substantial questions of law, as formulated, it will be not only appropriate but

necessary to continue the interim stay granted by this Court vide order dated 16/10/2009. Order accordingly.

10] List after vacation.

(ANIL L. PANSARE, J.)

Sumit