

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

CIVIL APPLICATION (CAS) NOS.1621, 1622, 1623, 1624 OF 2023 IN
SECOND APPEAL NO.514 OF 2011

Ajaykumar Madhawanand Udasi Vs. Pritamdas Keshwanand Udasi and others

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

Court's or Judge's orders.

Shri A.P. Kalmegh, Advocate for appellant.
Shri P.S. Sadavarte, Advocate for respondent no.1.

CORAM : M.W. CHANDWANI, J.
DATE : JUNE 10, 2024.

By these applications, the legal representatives of the appellant have filed application for condonation of delay in filing the application for setting aside abatement as well as application for bringing legal representatives of the appellant on record.

2. Contention is that the legal representatives of the appellant were not aware about pendency of the second appeal, when counsel for the respondent no.1 filed pursis regarding death of respondent no.1 the counsel for appellant made communication to the appellant, then only legal representatives of appellant got knowledge. It is contended that the appellant has died and therefore the present applications have been filed for condonation of delay, abatement of appeal as well as bringing legal representatives of the appellant on record.

3. Though other respondents were served nobody appears on their behalf. Considering the submissions as well as reasons

mentioned in the applications, delay in filing the application for setting aside abatement as well as bringing legal representatives of appellant on record is hereby condoned. The applicants who claims to be legal representatives of the appellant have filed the present application; right to sue still survives hence the order of abatement is set aside. The permission to bring the legal heirs is granted.

4. Amendment be carried out within two weeks.
5. Civil applications stand disposed of.
6. Stand over after four weeks.

JUDGE

Wagh