



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

Civil Application [CAS] No.1567 of 2023
and
Civil Application [CAS] No.1568 of 2023
in
Second Appeal No.548 of 2007

Vitthal s/o Gulabrao Nandekar (Dead) through L.Rs.
vs.
Shri Marotrao s/o Domaji Tonge and another

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

Court's or Judge's Orders

Mrs. Vijaya Thakre, Advocate for the Applicants/Appellants.
Mr. P.S. Kadam, Advocate for Non-Applicant/Respondent No.1.

CORAM : M.W. CHANDWANI, J.
DATE : 13th NOVEMBER, 2024.

Heard.

02. By these applications, the appellants seek to condone the delay in bringing the legal heirs of deceased respondent No.2 on record and also pray for permission to bring the legal heirs of deceased respondent No.2 on record by setting aside the abatement order.

03. Though the proposed respondents were served, nobody appeared on their behalf. Therefore, the contention made in the application for condonation of delay remains un-controverted.

04. For the reasons mentioned in the application, the delay in bringing the legal heirs of deceased respondent No.2 is hereby condoned. Since right to sue survives in favour of the legal representatives of respondent No.2, permission to bring the legal heirs of deceased respondent No.2 on record is granted.

05. Necessary amendments be carried out in the cause title of the appeal within a week.

06. After carrying out amendment, notices be issued to the proposed respondents on merits, making it returnable after three weeks.

07. Both the civil applications are allowed and disposed of accordingly.

JUDGE

**sandesh*