



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

CIVIL APPLICATION (CAF) NO. 3811 OF 2023

IN

FIRST APPEAL NO. 75 OF 2020

Vidarbha Irrigation Development Corporation, Amravati

.VS.

Nalinibai Wd/o. Marotrao Amrutkar (dead) and others

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

Ms Anjali Agrawali, Adv. h/f. Ms Ashwini Athalye, Advocate for the appellant

Mr R. J. Shinde, Advocate for respondent No.1

Mr M. A. Kadu, AGP for the State/respondent Nos. 2 and 3

CORAM : G.A. SANAP, J.

DATE : JANUARY 08, 2024.

Heard.

2. This is an application for condonation of delay caused in filing the application for setting aside abatement of the appeal and for bringing the legal representatives of deceased respondent No.1 on record.

3. Respondent No.1 died on 13.08.2022. The steps were not taken to bring the legal representatives on record within limitation. The reasons for not making an application within limitation for setting aside abatement have been stated in the application.

4. Learned Advocate Mr R. J. Shinde submits that he has instruction to appear for legal representatives of respondent No.1. He submits that he has no objection.

5. In view of the above, the application is **allowed**.

6. Delay of 388 days caused in making the application for setting aside abatement of the appeal qua deceased respondent No.1 stands condoned.

7. The abatement of the appeal is set side. The appellant is allowed to bring on record legal representatives of deceased respondent No.1 on record as respondent Nos. 1(a) to 1(c).

8. Necessary amendment be carried out within one week.

9. The application stands **disposed of**, accordingly.

CIVIL APPLICATION (CAF) NO. 3797 OF 2023

10. Heard.

11. This is an application seeking permission to file the paper book. Learned Advocate for the appellant submits that paper book is ready. In view of this, the application is allowed.

12. Paper book be filed within one week.

13. The application stands **disposed of**, accordingly.

CROSS OBJECTION (XOB)(ST.)NO. 4413 OF 2023

14. Office objections in cross objection be removed within one week. If the office objection(s) is/are not removed within one week the cross objection shall stand dismissed without further reference to the Court.

(G. A. SANAP, J.)

Namrata