



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

**CIVIL APPLICATION (CAC) NO. 3 OF 2024
IN
CIVIL REVISION APPLICATION NO. 133 OF 2019**

Digambar S/o. Ramaji Zade

Vs.

Shailendar @ Shyam S/o. Rambhau Selvante and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. P. Mokadam h/f. Shri M. R. Joharapurkar, Advocate for applicant.
Shri O. A. Ghare, Advocate for non-applicant nos. 1, 2, 3 and 6.

CORAM :- M. W. CHANDWANI, J.

DATED :- 05.01.2024

By this application, the applicant is seeking condonation of delay in filing application of setting aside abatement in revision due to death of the non-applicant no. 7. It is contended that only from the Bailiff report, the applicant recently came to know that the non-applicant no. 7 is no more and died on 28.01.2018.

2. For the reason mentioned in application, the application is allowed. The delay is condoned.

CIVIL APPLICATION (CAC) NO. 2 OF 2024

3. For the reason mentioned in application, the application is allowed, the abatement of revision against non-applicant no. 7 is set aside.

CIVIL APPLICATION (CAC) NO. 4 OF 2024

4. Since, right to sue survives against the legal heirs of the non-applicant no. 7, for the reason mentioned in application, the application is allowed. The legal heirs of the non-applicant no.7 are allowed to be brought on record.

5. The applicant to carry out necessary amendment within two weeks from today.

6. The interim order to continue till the next date of hearing.

7. Stand over after two weeks.

(M. W. CHANDWANI, J.)