



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

CIVIL APPLICATION (CAF) NOS. 361 and 362 OF 2024

IN

FIRST APPEAL NO. 793 OF 2016

NAMDEO S/o DAMODHARRAO NIKAM

VERSUS

STATE OF MAH., THRU. COLLECTOR, WASHIM AND OTHERS

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

Court's or Judge's Order

Mr. S. D. Chopde, Advocate for the appellant.
Mrs. Mrunal Naik, A.G.P. for respondent nos.1,2 and 4
Mr. T. M. Zaheer, Advocate for respondent no.3

CORAM : G. A. SANAP, J.

DATE : FEBRUARY 06, 2024.

1. Civil Application (CAF) NO. 362/2024 is made for condonation of delay caused in filing an application for setting aside abatement of the appeal.
2. Civil Application (CAF) NO. 361/2024 is made for setting aside abatement and bringing legal heirs of deceased appellant on record.
3. Heard learned advocates for the parties.
4. The sole appellant has died on 18.06.2023. It is stated that the applicants are the legal heirs of the appellant.. After death of the appellant, their right to sue survives. The reasons have been stated in the application for delay. In view of the facts stated in the applications, both the civil applications are allowed.

5. Delay of 193 days caused in making application for setting aside abatement of the appeal is condoned. The abatement of the appeal is set aside. The applicants are allowed to be brought on record as legal heirs of deceased appellant.
6. Necessary amendment/correction be made within one week.
7. The civil applications are disposed of. No costs.

JUDGE

Diwale