



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

CIVIL APPLICATION (CAS) NO. 49 OF 2024

IN

SECOND APPEAL NO. 40 OF 2020

AMBADAS KISAN KAPADE AND ANOTHER

Vrs.

TULSHIRAM KISAN KAPADE (DECEASED)

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

Court's or Judge's Order

Shri Z. Z. Haq, Advocate for applicants/appellants.
Ms. Deepali Sapkal, Advocate for respondent-sole.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 22/07/2024.

This is an application for for setting aside
abatement against respondent.

Perused the application.

Heard learned Advocates for both sides.

Considering the peculiar set of facts, it would
be proper to allow the application, in the interest of justice
as prayed.

Application is allowed and disposed of.

CIVIL APPLICATION (CAS) NO. 860 OF 2023

This is an application for condonation of
delay of 281 days caused for filing the application for
bringing the legal heirs of respondent on record.

Perused the application.

Heard learned Advocates for both sides.

Considering the peculiar set of facts, it would be proper to condone the delay, in the interest of justice, subject to costs of Rs.1,000/- to be paid to the respondent by the applicants.

The application is disposed of.

CIVIL APPLICATION (CAS) NO. 862 OF 2023

This is an application for bringing legal heirs of respondent on record.

Perused the application.

Heard learned Advocates for both sides.

Considering the reasons stated in the application, application is allowed in the interest of justice.

The application is disposed of.

CIVIL APPLICATION (CAS) NO. 50 OF 2024

This is an application for setting aside the abatement against appellant No.2.

Perused the application.

Heard learned Advocates for both sides.

Considering the reasons stated in the application, the application is allowed in the interest of justice.

The application is disposed of.

CIVIL APPLICATION (CAS) NO. 861 OF 2023

The appellant No.2 is dead. There is delay of 2 years and 58 days caused for filing the application for bringing legal heirs of appellant No.2 on record.

Perused the application.

Heard learned Advocates for both sides.

Considering the reasons stated in the application, application is allowed.

The application is disposed of.

CIVIL APPLICATION (CAS) NO. 863 OF 2023

This is an application for bringing legal heirs of appellant No.2 on record.

Perused the application.

Heard learned Advocates for both sides.

For the reasons stated in the application, application is allowed. The applicants to bring the LRs of appellant No.2 on record.

The application is disposed of.

CIVIL APPLICATION (CAS) NO. 615 OF 2024 AND

CIVIL APPLICATION (CAS) NO. 616 OF 2024

These applications are not pressed and disposed of as not pressed.

SECOND APPEAL NO.40 OF 2020

The amendment be carried out within a week. If the amendment is carried out and amended copies are supplied, issue notice to the LRs of appellant No.2 as well as to the LRs of respondent.

Stand over after one week.

[SANJAY A. DESHMUKH, J.]