



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

SECOND APPEAL NO. 703 OF 2004

Narmadabai W/o Chindhaji Gawai and others

..VS..

Kaduba Balaji Gawai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anand Kinkar, Advocate h/f. Mr. R. G. Kavimandan, Advocate
for appellants.

Mr. A. J. Thakkar, Advocate for respondent No.9(a to g).

CORAM : SANJAY A. DESHMUKH, J.

DATED : 16th JULY, 2024

1. Learned Advocate Mr. Kinkar holding for Mr. R. G. Kavimandan, learned Advocate for appellants submits that appellants Nos.1 and 5 are died approximately one and half years before. Last time on 05.07.2024, this Court granted one week time to bringing legal representatives of deceased appellant No.5 on record. The application for delay condonation for setting aside abatement is filed by the appellants on 08.07.2024, bearing No.582 of 2024. In this case, there are more than 22 respondents, some of them are old aged.

2. Considering the fact that the appeal is of the year 2004 i.e. 20 years old, it would be proper to direct the appellant to file an affidavit that certain appellants and respondents who are alive and who are died. Otherwise filing of such applications for bringing legal heir will

continue for years together and it would be difficult to decide this appeal, which is 20 years old.

3. The appellants are directed to file an affidavit on record regarding certain appellants and respondents who are alive and who are died. If an affidavit is not filed within **two weeks**, an interim relief granted by this Court by order dated 18.03.2005 for protecting the possession of the appellants will be vacated.

CIVIL APPLICATION (CAF) NO. 582 OF 2024

1. Issue notice to the respondents, who are not represented by the Advocates.
2. Learned Advocate Mr. A. J. Thakkar, waives service of notice for respondent No.9 (a to g).
3. The learned Advocate for the appellants seeks leave to serve other respondents by R.P.A.D. Leave granted.
4. Stand over after **two weeks**.

(SANJAY A. DESHMUKH, J.)