



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

CIVIL APPLICATION (CAS) NO. 791 OF 2024

IN

SECOND APPEAL NO. 67 OF 2020

CHINDHUJI S/O JANBA NANDANWAR

Vrs.

YADORAO S/O CHINDHUJI NANDANWAR AND ANOTHER

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

Court's or Judge's Order

Shri Balkrishna Kharkate, Advocate for LR's of appellant.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 18/09/2024.

1. This is an application for condonation of delay of 1233 days caused for filing the application for setting aside abatement and for bringing the legal heirs of appellant on record.
2. Perused the application.
3. Heard learned Advocate for the appellant.
4. Learned Advocate for the applicants submits that applicants are illiterate and having no knowledge of law. They are residing in the rural area. They did not communicate the fact of death of the appellant to their advocate within reasonable time. Therefore, considering the peculiar set of facts, there is sufficient reason for condonation of delay of 1233 days. Delay is not deliberately caused.
5. Considering all these reasons, application deserves to be allowed, in the interest of justice.

6. The application is allowed as prayed.
7. Amendment be carried out within a week.
8. Application is disposed of.
9. List the appeal on **26/09/2024**.

[SANJAY A. DESHMUKH, J.]

Choulwar