



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

SECOND APPEAL NO.158/2001

Gayabai Govindrao Nagare and others
...Versus...
Madan S/o Vithoba Mundhe and others

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

Court's or Judge's orders

Mr. S.S. Deshpande, Advocate for appellants

CORAM : ROHIT W. JOSHI, J.
DATE : 17/11/2025

Service report indicates that the respondent No.1 (d) has refused to accept the notice on 06/08/2025. The respondent No.1 (d) is, therefore, deemed to be served.

CIVIL APPLICATION (CAS) NOS.251/2022, 252/2022,
253/2022, 254/2022, 255/2022, 256/2022, 257/2022,
258/2022 AND 259/2022

1. These are the applications for bringing legal representatives of deceased respondent Nos.1, 8 and 11 on record, setting aside abatement of appeal against the said respondents and for permission to bring legal representatives of the said deceased respondents on record.
2. The delay with respect to deceased respondent Nos.1, 8 and 11 is of 36 days, 393 days and 125 days respectively.
3. The proposed legal representatives of these deceased respondents though duly served have not entered

appearance in the matter in order to oppose the applications. It appears that the appeal is filed in the year 2001 and it is still pending for final hearing. The applicants have stated that over a period of year there was a communication gap between the appellants and their Advocate, as a consequence of which, the delay has occurred.

4. This explanation, which is offered on affidavit, is plausible. There is no reply disputing the statement.

5. In view of the above, Civil Applications for condonation of delay, setting aside abatement and permission to bring legal representatives of deceased respondent Nos.1, 8 and 11 on record are allowed. Necessary amendment be carried out on or before 28/11/2025.

6. Issue notices to the legal representatives of deceased respondent Nos.1, 8 and 11 on Second Appeal No.158/2001, returnable on 18/12/2025.

7. Appellants are directed to serve the said legal representatives by speed post in addition to regular mode of service and file service affidavit on record before the returnable date.

8. Hamdast allowed.

9. Civil Applications are allowed and disposed of accordingly.

(ROHIT W. JOSHI, J.)