



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

CIVIL APPLICATION (S) NO.414 OF 2023

WITH

CIVIL APPLICATION (S) NO.415 OF 2023

AND

CIVIL APPLICATION (S) NO.416 OF 2023

WITH

CIVIL APPLICATION (S) NO.417 OF 2023

IN

SECOND APPEAL NO.57 OF 2022

[Pratap Punjabrao Deshmukh ..vs.. Ruprao Gulabrao Deshmukh and Ors.]

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

Court's or Judge's order

Mr S. Y. Deopujari, Advocate for Applicant/Appellant.

CORAM : ANIL L. PANSARE, J.

DATE : 22nd JANUARY, 2025.

1. Heard.

2. By present applications, the applicant/appellant intends to bring on record the legal representatives of respondent Nos.4 and 9 by condoning the delay of 1005 and 296 days respectively.

3. The counsel for applicant submits that the applicant came to know of the said fact recently and accordingly, the applications are filed.

4. None appears for respondents. Thus, there is no challenge to the plea of knowledge taken by the applicant. In view thereof and for the reasons set out in the applications, the applications are allowed and disposed of. The delay is condoned. The order of abatement is set aside. The applicant is permitted to bring on record the legal representatives of respondent Nos.4 and 9.

5. Amendment be carried out within two weeks from today.
6. Issue notice thereafter to the newly added respondents, returnable in the week commencing from 24.02.2025.
7. It is worth to mention here that the respondent No.2-a before the First Appellate Court expired pending appeal. The present appellant was the respondent No.1 before the First Appellate Court. The present respondent Nos.1 and 2 were appellants before the First Appellate Court. They failed to disclose the fact of death of respondent No.4 (original respondent No.2-a before the First Appellate Court), and therefore, the judgment and decree is passed against a dead person.
8. The parties shall make their submissions on this aspect on next date.

JUDGE

TAMBE