



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

CIVIL APPLICATION (S) NO.428 OF 2024 WITH
CIVIL APPLICATION (S) NO.429 OF 2024 IN
SECOND APPEAL NO.267 OF 2013

[Harish S/o Mohanlal Vaishnav ..Vs.. Shamrao S/o Anna Pitkar and
Anr.]

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

Court's or Judge's order

Mr M. Agrawal, Adv. h/f Mrs R. S. Sirpurkar, Advocate for Applicant/Appellant.
Mr N. Valesha, Adv. h/f Mr A. Parchure, Advocate for
Non-Applicants/Respondents.

CORAM : M. W. CHANDWANI, J.

DATE : 5th FEBRUARY, 2025.

. Heard.

2. By these applications, the applicant/appellant is seeking condonation of delay in bringing the legal heirs of respondent No.1 on record; permission to bring the legal heirs on record by setting aside abatement of appeal.

3. The contention is that the appellant had no knowledge about the death of respondent No.1. The counsel for respondents *vide* pursis dated 18.03.2024 informed about the death of respondent No.1. Thereafter, appellant came to know about the death of respondent No.1, wherein time has been consumed to take necessary steps, and therefore, the application could not be moved earlier.

4. Considering the contentions of applications, there is sufficient cause for not bringing the legal heirs on record within limitation period. Hence, the delay is condoned. Since

right to sue survives against the legal heirs of respondent No.1, the order of abatement of appeal is set aside and permission to bring the legal heirs of respondent No.1 on record is granted.

5. The applications are disposed of accordingly.

6. Appellant to carry out necessary amendment within two weeks from today and thereafter, matter be listed for final hearing, as per its turn.

JUDGE

Tambe.