



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

CIVIL APPLICATION (CAF) NO. 2393 OF 2025

IN

FIRST APPEAL NO. 221 OF 2025

(V.I.D.C. ..vs. Kautikabai Shamrao Wankhade (dead) through L.Rs. 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. U.A. Gosavi, Advocate for the appellant,
Mr. H.J. Deshmukh, Advocate for respondent Nos. 1 to 5, 6(a) to 6(c),
Ms. H.S. Dhande, A.G.P. for respondent Nos. 7 and 8.

CORAM : ABHAY J. MANTRI, J.

DATED : 09-07-2025

The applicants/legal heirs of respondent No. 3, Ramesh Shamrao Wankhade, have moved this application for condonation of delay, setting aside the abatement, and bringing their names on record as his legal heirs, for which the learned Advocate for the appellant has given no objection.

2. It seems that on 24-09-2024, respondent No.3-Ramesh Shamrao Wankhade, died. However, the appellant has not taken any step to bring his legal heirs on record as according to the learned Advocate for the appellant, the appellant was not aware about the death of respondent No.3. That being so, the applicants themselves moved this application for condonation of delay, setting aside abatement order, if any, and bringing their names on record.

3. Considering the reasons disclosed in the application, and no objection given by the learned Advocate for the appellant, the application is allowed as prayed. The delay of 165 days in filing the application for setting aside the abatement order, if

any, and bringing legal heirs on record is condoned. The abatement is set aside. The appellant is directed to bring the names of the legal heirs of respondent No.3 on record forthwith, and after carrying out the amendment, serve a copy of the amended appeal memo to all the respondents.

First Appeal No. 221 of 2025

Mr. H.J. Deshmukh, learned Advocate, waives service of notice on behalf of the legal heirs of respondent No.3.

2. The learned Advocate for the legal heirs of respondent No.3 submitted that respondent No.3 has also filed First Appeal No.240/2025 arising out of the same judgment and award; therefore, both the appeals may be tagged together.

3. As such, tag this appeal with First Appeal No.240/2025.

(ABHAY J. MANTRI, J.)

adgokar