



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

CIVIL APPLICATION (CAO) NO.626/2021

IN

CROSS OBJECTION NO.47/2021

IN

FIRST APPEAL NO.1243/2018

Omprakash Ambalal Sharma (dead) thr. His LR's Smt Kailashibai Omprakash Sharma
and others

Vs.

The Executive Engineer, Bembla Project Division, Yavatmal and others

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

Court's or Judge's orders

Shri M.A. Kadu, Advocate Advocate for appellant
Shri V.N. Patre, Advocate for respondent Nos.1 to 6/Cross-Objectors
Ms Mrunal Naik, AGP for respondent Nos.7 and 8/State

CORAM : SHYAM C. CHANDAK, J.

DATED : 24.06.2025

Heard.

2. Present application is filed for condonation of 66 days delay in filing an application to bring on record the legal heirs of Cross-objector No.3 and setting aside the abatement. The Cross-objector No.3 has expired on 21.04.2021 and his legal heirs are required to be brought on record. The Appeal and the cross-objection are admitted. In view thereof, and considering the delay is not huge, the application is allowed.

3. The delay of 66 days in filing the application to bring on record the legal heirs of Cross-objector No.3 is condoned.

4. The abatement is set aside.

5. The application stands disposed of.

CIVIL APPLICATION (CAO) NO.627/2021

1. The present application is filed for bringing the legal heirs of Cross-objector No.3 on record. The application is supported by death certificate of Cross-objector No.3.
2. The names of legal heirs of Cross-objector No.3 are mentioned in paragraph No.2 of this application. The right to sue survives. Hence, the application is allowed.
3. Necessary amendment to be carried out within a period of two weeks.
4. The application stands disposed of, accordingly.

FIRST APPEAL NO.1243/2018

The appellant is directed to bring on record the legal heirs of Cross-objector No.3, who was original respondent No.3 in the present First Appeal, within a period of two weeks from today.

(SHYAM C. CHANDAK, J.)