



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

Civil Application [CAS] No.1045 of 2023
with
Civil Application [CAS] No.1043 of 2023
in
Second Appeal No.626 of 2007

Ramdas s/o Ramkrushna Sonune
vs.
Dhonduramkrushna Sonune

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

Court's or Judge's Orders

Mr. Ranjit Sordey, Advocate for the Non-Applicant/Respondent.

CORAM : ROHIT W. JOSHI, J.
DATE : 14th NOVEMBER, 2025.

These are applications seeking condonation of delay in filing the application for bringing legal representatives of the deceased-respondent on record, setting aside abatement of appeal against the deceased-respondent and for permission to bring the names of legal representatives of the deceased-respondent on record.

02. The applicants have stated that the deceased-respondent expired on 30/06/2020. It is stated that the applicants are unaware about the niceties of law and, therefore, were not aware about the fact that legal representatives of the deceased-respondent will have to be brought on record. In view of the Pursis filed by the learned Advocate for the respondent, the appeal was listed before the learned Registrar (Judicial) on 15/06/2023 and in view of the same, the learned Advocate representing the appellant was directed to take steps for bringing legal representatives of the deceased-respondent on record and that the learned Advocate thereafter contacted the applicants.

03. The proposed legal representatives of the deceased-respondent have filed reply opposing the applications. It is contended that the delay is not properly explained.

04. It is apparent that the respondent has expired during COVID-19 lock-down period. It is further apparent that the appeal is filed in the year 2007 and is pending for final hearing. The litigation between the parties has arisen in the year 2000 and the appellant was prosecuting the litigation diligently. Although the applications are strongly opposed, in the considered opinion of this Court, the delay caused deserves to be condoned.

05. In view of the above, the delay caused in filing the application for setting aside abatement and bringing the legal representatives of the deceased-respondent on record is condoned, abatement of appeal against the deceased-respondent is set aside and permission is granted to bring the legal representatives of deceased-respondent on record. Necessary amendments be carried out on or before 28th November, 2025.

06. The applications are allowed and disposed of accordingly.

Civil Application [CAS] Nos.1005,1006 &1007 of 2024:

Respondent No.1(b) has expired on 09/10/2023. Upon demise of the original respondent sole, the applicants moved application for condonation of delay caused in filing applications for setting aside abatement of appeal against deceased-respondent No.1(b) and for bring the legal representatives of the deceased-respondent on record.

02. Notice was also issued to respondent No.1(b). The applicants gathered from the bailiff report that respondent No.1(b) has expired. In such circumstances, there is a delay of around 378 days caused in filing applications for setting aside abatement and for bringing legal representatives of deceased-respondent No.1(b) on record.

03. In view of the above and also in view of the reasons recorded in the order condoning the delay in bring the legal representatives of the deceased-respondent sole on record, in the considered opinion of this Court, although the application is strongly opposed, the delay is properly explained and the same deserves to be condoned.

04. The delay caused in filing the applications for setting aside abatement and for bringing legal representatives of deceased-respondent No.1(b) on record is condoned, abatement of appeal against the said respondent is set aside and permission is granted for bringing the legal representatives of the said respondent on record. Necessary amendments be carried out on or before 28th November, 2025.

05. The civil applications are allowed and disposed of accordingly.

06. The learned Advocate waives notice for the legal representatives of the respondent sole as also the legal representatives of respondent No.1(b).

07. Having regard to the delay, it will be appropriate to compensate the respondent. The applicants are, therefore, directed to pay costs of Rs.5,000/- (Rupees Five Thousand Only) to the respondent on or before 28th November, 2025.

JUDGE

**sandesh*