

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

CIVIL APPLICATION (CAS) NOS.635, 636 & 637 OF 2025 IN
SECOND APPEAL NO.3 OF 2008

Shamsunder s/o Laxman Tawale & Anr Vs. Damodhar s/o Bajirao Bhawe (dead) & Anr.

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

Court's or Judge's orders.

Shri M.R. Joharapurkar, Advocate for appellants.
Ms Bhavya Dhurv, Adv. h/f Shri H.D. Dangre, Advocate for
respondent no.1.

CORAM : M.W. CHANDWANI, J.
DATE : 21.07.2025.

1. Heard.
2. The applicants are seeking condonation of delay in bringing the legal representatives of deceased respondent no.1 on record.
3. Ms Bhavya Dhurv, learned counsel holding for Shri H.D. Dangre learned counsel, by waiving notice on behalf of proposed legal representatives of deceased respondent no.1 submits that she has no objection for bringing them on record.
4. The contention is that the applicants came to know about the death of respondent no.1 when respondent no.1 filed pursis informing death of respondent no.1 and immediately present applications came to be filed.

5. Considering the reasons mentioned in the application coupled with no objection of the learned counsel appearing on behalf legal representatives of deceased respondent no.1, the delay in bringing the legal representatives of deceased respondent no.1 is condoned. Since right to sue survives against the legal representatives of deceased respondent no.1, permission to bring them on record is granted. Consequently, the order of abatement passed against respondent no.1 is set aside. Amendment be carried out within a period of one week.

6. The applications stand disposed of.

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7. List this matter on 28.07.2025.

JUDGE

Wagh