



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

CIVIL APPLICATION [CAF] NO.2768 OF 2025

IN

FIRST APPEAL NO.1925 OF 2019 [D]

[Kavita w/o Purushottam Daware .vs. Smt. Harsha Pramod Belokar 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 Hitesh Biherani, Advocate for Appellant.
Shri M.R. Joharapurkar, Advocate for Respondent Nos.1 to 3.
Shri V.A. Patait, Advocate for Respondent No.4.
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CORAM : PRAVIN S. PATIL, J.

DATED : SEPTEMBER 08, 2025.

1. By this application, applicants are seeking the condonation of delay of 852 days in filing an application for setting aside the abatement. It is stated in the application that appellant died on 30.11.2020 and appeal has been abated vide order datd 22.4.2022. The present applicants, who are claiming to be the legal heirs of appellant, states that they received the notice from the court of learned District Judge calling them to answer the application filed by the respondents for execution of said award dated 29.8.2019. Thereafter, they have made enquiry into the matter and accordingly the accompanied application is moved for setting aside the abatement. As such, the delay of 852 days has been caused to move the application for setting aside the abatement. The reasons put-forth by the applicants are not controverted in the matter.

2. Hence, considering the averment made in the application, I am of the opinion that the delay of 852 days caused in filing the application can be condoned. Hence, the

application is allowed. The delay of 852 days is hereby condoned.

3. Application stands disposed of.

CIVIL APPLICATION NO.2769/2025.

1. By this application, applicants are seeking to set aside the order of abatement. The present applicants are the legal heirs of appellant who states that they have a right to sue is survive in the matter and, therefore, they may be permitted to prosecute the present appeal. Hence, for the reasons stated in the application, the order of abatement is hereby quashed and set aside.

2. Application stands disposed of.

CIVIL APPLICATION NO.2770/2025

1. By this application, permission is sought for bringing the legal heirs of appellant on record. There is no objection nor the submission made in the application is controverted in the matter.

2. Hence, for the reasons stated in the application, the application is allowed. The necessary amendment be carried out within a period of one week. The application stands disposed of.

3. After the amendment is carried out, place the matter for further consideration on **15.9.2025.**

(PRAVIN S. PATIL, J.)