



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

CIVIL APPLICATION (CAF) NO. 615 OF 2022

IN

FIRST APPEAL NO. 1207 OF 2018

Bhojraj Ambalal Sharma (dead) Thru. Lrs Vs. The Executive Engineer, Bemla Project,
Yavatmal and Ors.

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

Court's or Judge's Orders.

Mr. V.N. Patre, Advocate for applicant.
Mr. Tariq Zaheer, Advocate for non-applicant No.1
Mrs. Mrunal Naik, AGP for non-applicant Nos.2 &
3/State.

CORAM : SHYAM C. CHANDAK, J.

DATE : 23.06.2025.

Heard.

2. Present application seeking condonation of delay of 1167 days in filing the application to bring on record the legal heirs of the deceased-original appellant and setting aside the abatement of the First Appeal No.1207/2018.

3. The original appellant has expired on 18.07.2018, leaving behind the applicants as his legal heirs.

4. Mr. Zaheer, learned counsel for the applicant submits that due to Covid-19 Pandemic,

the relevant death certificate could not be obtained. Therefore, there is the delay. Considering the said submission and that the applicants have good case on the merit, the application is allowed.

5. The delay of 1167 days in filing the application to bring legal heirs on record and for setting aside the abatement, is allowed.

Civil Application (CAF) No.616/2022

The Civil Application (CAF) No.615/2022 seeking condonation of delay of 1167 days in filing this application to bring on record the legal heirs of the deceased-original appellant and setting aside the abatement of the First Appeal No.1207/2018, is allowed. Hence and considering the submissions made by Mr. Zaheer, the present application is allowed.

2. The applicant to bring on record the legal heirs of the deceased within two weeks from today.

3. The application stands disposed of accordingly.

(SHYAM C. CHANDAK, J.)