



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

CIVIL APPLICATION (CAO) NO.1008/2025
WITH
CIVIL APPLICATION (CAO) NO.1007/2025
WITH
CIVIL APPLICATION (CAO) NO.1006/2025
WITH
CIVIL APPLICATION (CAO) NO.1005/2025
WITH
CIVIL APPLICATION (CAO) NO.1004/2025
IN
MISC. CIVIL APPLICATION (MCA) NO.968/2016
IN
SECOND APPEAL NO.69/1998 (D)

Gumansingh Rustamsingh Ingle (Since deceased) through L.Rs.
Gangabai wd/o Gumansingh Ingale and others
...Versus...
Diwansingh Rustamsingh Ingle (Dead) through L.Rs.
Smt. Sarubai wd/o Diwansingh Ingle and others

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

Court's or Judge's orders

Mr. M.V. Amle, Advocate for applicants
Mr. S.B. Mohta, Advocate for respondent No.6 (a) and 6 (b)

CORAM : ROHIT W. JOSHI, J.
DATE : 17/12/2025

1. These applications are filed for condonation of delay and bringing legal representatives of deceased respondent Nos.3, 4 and 6 on record; for setting aside abatement of Misc Civil Application No.968/2016 against the said deceased respondents and for bringing their legal representatives on record.
2. There is a delay of 658 days, 1915 days and 1740 days in filing applications for bringing legal representatives of

deceased respondent Nos.3, 4 and 6 respectively.

3. It is stated that although the parties are family members, due to strained relations they are not on talking terms and therefore, the applicants were not aware about demise of respondent Nos.3, 4 and 6. Parties are related to each other and are real brothers. Explanation offered does not inspire confidence. Legal representatives of deceased respondent No.6 have filed reply stating that the applicants had attended funeral of deceased respondent No.6. However, having regard to the fact that the applicants are contesting the litigation since the year 1984 and the appeal pertains to the year 1998, it will be appropriate to decide the appeal on merits rather than dismissing the same in default. It must also be stated that the appeal is pending for an inordinate long period of about 27 years during which communication gap between the parties and Advocates is understandable.

4. Learned Advocates for the applicants and legal representatives of deceased respondent No.6 make a statement that the parties are exploring possibility of out of Court settlement.

5. In view of the above, Civil Applications are allowed and disposed of accordingly.

MISC. CIVIL APPLICATION (MCA) NO.968/2016

1. Issue fresh notice to the unserved respondents, returnable on 20/01/2026.

2. Advocate Mr. Mohta waives service of notice for the respondent No.6 (a) and 6 (b).

3. Applicants to serve the respondents by speed post, in addition to regular mode of service and file affidavit of service before the returnable date.
4. Put up with connected matter.

(ROHIT W. JOSHI, J.)

Wadkar