



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

CIVIL APPLICATION ST NO.3975 OF 2024

IN

FIRST APPEAL ST NO.15705 OF 2023

V.I.D.C., THROUGH EXECUTIVE ENGINEER, PURNA MEDIUM PROJECT
DIVISION, ACHALPUR

VS

REHANBEE MOHD USMAN AND OTHERS

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

Court's or Judge's order

Ms A.S. Athalye, Advocate for the appellant/s
Mr. Paras Rathi, Advocate for the respondent/s.
Ms Hemlata Dhande, AGP for the respondent-State

CORAM : ROHIT W. JOSHI, J.

DATE : 28th January, 2025

1. The application for condonation of delay in the present matter was allowed subject to condition that the applicant shall plant 25 trees and file compliance report on record or shall deposit the costs of Rs.10,000/-.
2. The applicant has made plantation of 25 trees on Samda-Sanglud road and filed pursis along with photographs and report of the Executive Engineer, Irrigation Department, Amravati.
3. In view of the aforesaid, the application for deposit costs of Rs.10,000/- is not pressed by the applicant and accordingly, it is **disposed of**.
4. It is clarified that the condition prescribed for condonation of delay stands satisfied in view of the plantation.

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5. The applicant No.1 is the son and applicant Nos.2 and 3 are the daughters of the deceased respondent No.1.

6. The respondent No.1/Rehnabee Mohd Usman has expired on 27.07.2023. Her legal representatives have filed the present application for inclusion of their names as legal representatives of deceased respondent No.1 and also prayed for condonation of delay of 396 days in filing the application for bringing legal representatives and also for setting aside the abatement.

7. In fact, the appellant ought to have made application for bringing legal representatives of the deceased respondent No.1. However, since the legal representatives of the respondent No.1 have themselves chosen to file the same, I am inclined to allow the application. The delay is condoned, the abatement is set aside and names of applicants are taken on record as legal representatives of deceased respondent No.1. The application is **allowed** and disposed of.

8. Necessary amendment be carried out accordingly.

(ROHIT W. JOSHI, J.)