



24.caf.959.2025 aw caf.960.2025 in fa.1074.2017.odt

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

CIVIL APPLICATION (CAF) NO. 959 OF 2025

WITH

CIVIL APPLICATION (CAF) NO. 960 OF 2025

IN

FIRST APPEAL NO. 1074 OF 2017

(The Executive Engineer, Medium Project Division, Yavatmal V/s Gopichand Bhika Rathod (dead) through L.Rs. & Ors.)

WITH

FIRST APPEAL NO. 903 OF 2016

(The Executive Engineer, Medium Project Division, Yavatmal V/s Ankush Babusingh Rathod & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V. B. Rathi, Advocate h/f Mr. P. B. Patil,
Advocate for Appellant in both the Appeals.

Mr. S. V. Ingole, Advocate for Respondent No.1 in
both the Appeals.

Mr. H. D. Futane, AGP for Respondent/State in
both the Appeals.

CORAM : PRAVIN S. PATIL, J.

DATE : SEPTEMBER 10, 2025.

CIVIL APPLICATION (CAF) NO. 959 OF 2025

. By this Application, the Appellant is seeking condonation of 538 days delay in filing application for bringing legal representative of the Respondent No.1(b) on record and setting aside abatement.

2. For the reasons stated in the Application, which are not controverted by the Respondents, delay of 538 days in filing

application is hereby condoned. So also, the order of abatement against the Respondent No.1(b) is hereby quashed and set aside.

3. Civil Application stands disposed of accordingly.

CIVIL APPLICATION (CAF) NO. 960 OF 2025

. By this Application, the Appellant is seeking permission to bring legal representatives of Respondent No.1(b) on record.

2. Considering the fact that right to sue is surviving in favour of the legal representatives and for the reasons stated in the Application, Civil Application is allowed.

3. The Appellant is permitted to bring on record the proposed legal representatives of Respondent No.1(b), as mentioned in paragraph No.2 of the Application.

4. Necessary amendment be carried out in cause-title of the Appeal within a period of one week from today.

5. After carrying out amendment, notices be issued to the proposed legal representatives of Respondent No.1(b), returnable after four weeks.

6. The learned Counsel Mr. Ingole waives service of notice on behalf of the proposed legal representatives of Respondent No.1(b).

7. List the matter for further consideration as per its turn.

[PRAVIN S. PATIL, J.]

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