



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

FIRST APPEAL NO. 861 OF 2022

(Executive Engineer, Medium Project Yavatmal vs. Janabai Gulabrao Talware (Since Dead)
 through Legal Heirs)

*Office Notes, Office Memorandum of Coram,
 appearances, Court's orders of the directions,
 order
 and Registrar's orders.*

Court's or Judge's

Mr. Vinay Dahat, Advocate h/f Mr. J.B. Kasat, Advocate for appellant.

Mr. M.P. Dube, Advocate, and Mr. A.B. Nakshane, Advocate, for respondent Nos. 3 and 4.

Mrs. Hemlata Dhande, AGP for respondent Nos. 5 and 6.

CORAM : ABHAY J. MANTRI, J.

DATE : JUNE 20, 2025

CIVIL APPLICATION (F) NO. 2075 OF 2025

1) The appellant has moved this application for condonation of delay, setting aside the abatement of appeal against respondent No.1 and permitting it to bring the legal heirs of respondent No.1 on record, as stated in para 3 of the application.

2) It is contended that during the pendency of the appeal, respondent No.1, Marotrao Gulabrao Talware, expired on 08/01/2023; therefore, appellant moved this application.

3) Learned counsel for respondent Nos. 3 and 4, and learned Assistant Government Pleader for respondent Nos. 5 and 6, have no objection to the same. Though respondent No.2 is served, none appears for him.

4) Considering the reasons disclosed in the application and no objection of the learned counsel for the respondents, the application is allowed as prayed. The delay caused in filing the

application for setting aside the abatement order is hereby condoned. The abatement order against respondent No. 1 is set aside, and the applicant is directed to bring the legal heirs of respondent No. 1 on record within two weeks.

5) After carrying out the amendment, issue notices to the legal heirs of respondent No.1, returnable after four weeks.

CIVIL APPLICATION (F) NO. 2076 OF 2025

1) Though the appellant has moved this application for the grant of time to deposit the awarded amount in the Court, however, learned counsel for the appellant submitted that he has received the Cheque of the compensation amount and therefore, he seeks permission to deposit the same in the Registry of this Court within one week.

2) Having considered the same, permission is granted to deposit the Cheque by 27/06/2025. It is made clear that no further time will be granted. The application is disposed of accordingly.

(ABHAY J. MANTRI, J.)

KOLHE