

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

**CIVIL APPLICATION (F) NO. 2158 OF 2025**

**AND**

**CIVIL APPLICATION (F) NO. 2159 OF 2025**

**IN**

**FIRST APPEAL NO. 213 OF 2003**

( Smt.Neela w/o. Prabhulal Rathod vs. Smt.Kashibai w/o. Jadaoji Rathod and others )

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

*Court's or Judge's*

Mr. A.C.Dharmadhikari, Advocate for appellant.

Ms.Mohini Sharma, Advocate (through online) for respondent  
No.1(iv).

Ms.Vidya Umale, Advocate for respondent Nos. 3 and 4.

**CORAM : ABHAY J. MANTRI, J.**

**DATE : JULY 14, 2025**

1) The applicant/appellant has moved these applications for condonation of delay caused in filing the application for setting aside the abatement of the appeal against respondent No.1(iv) and for bringing her legal heirs on record, for which learned counsel for legal heirs of respondent No.1(iv) and learned counsel respondents No.3 and 4 have given no objection.

2) None appears for other respondents.

3) During the pendency of the appeal, the respondent No.1(iv) died, and therefore, the application was filed to bring her legal heirs on record. Moreover, the learned counsel for respondents No. 3 and 4, as well as learned counsel for the legal heirs of respondent No.1(iv), have given no objection for the same.

4) Considering the same, both the applications are allowed as prayed. The delay is hereby condoned. The abatement against respondent No.1(iv) is set aside, and the applicant/appellant is permitted to bring her legal heirs on record. The applicant shall carry out the amendment within two days and supply a copy of the amended appeal memo to the respondents.

5) List the matter on 17/07/2025 for hearing. It is made clear that no further time will be granted as the matter is old.

**(ABHAY J. MANTRI, J.)**

KOLHE