



20.caf.3217.2025 in caf.1813.2025 in fast.17390.2018.odt

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

CIVIL APPLICATION (CAF) NO. 3217 OF 2025

IN

CIVIL APPLICATION (CAF) NO. 1813 OF 2025

IN

FIRST APPEAL (ST) NO. 17390 OF 2018

(The Executive Engineer, Amravati Irrigation Department, Amravati V/s Ahmad Kha Bismilla Kha & 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. N. A. Waghmare, Advocate h/f Mr. P. B. Patil,
Advocate for Appellant.

Mr. S. S. Shingane, Advocate for Respondent
No.1.

Mr. S. B. Bissa, AGP for Respondent Nos.2 & 3.

CORAM : PRAVIN S. PATIL, J.

DATE : SEPTEMBER 18, 2025.

CIVIL APPLICATION (CAF) NO. 3217 OF 2025

. By this Application, the Applicant is seeking condonation of 135 days delay in filing the application for bring legal representatives of Respondent No.1 on record and setting aside abatement of Appeal against the Respondent No.1.

2. For the reasons stated in the Application, which are not controverted, delay of 135 days caused in filing Application is hereby condoned and abatement of Appeal against the Respondent No.1 is set aside.

3. Civil Application stands disposed of accordingly.

CIVIL APPLICATION (CAF) NO. 1813 OF 2025

. By this Application, the Applicant is seeking permission to bring on record the legal representatives of the Respondent No.1 by setting aside the abatement.

2. Considering the fact that Respondent No.1 is expired on 10/2/2016 and the same was informed by the learned Counsel for Respondent No.1 by way of pursis dated 23/9/2022, it is clear that right to sue to the legal representatives of the Respondent No.1 is survived in the matter.

3. Hence, for the reasons stated in the Application, Civil Application is allowed.

4. The Appellant is permitted to bring on record the legal representatives of Respondent No.1.

5. Necessary amendment be carried out in cause-title of the Appeal within a period for ten days from the date of this order.

6. After the amendment is carried out, issue notice to the legal representatives of Respondent No.1, returnable after four weeks.

[PRAVIN S. PATIL, J.]