



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

CIVIL APPLICATION NOS. 643/2025, 642/2025 and 644/2025

IN

SECOND APPEAL NO. 04 OF 2012

BUDDHULAL S/o SHIVMOHAN GUPTA

VERSUS

SMT. LALITABEN W/o JAYANTILAL PATEL AND OTHERS

WITH

WRIT PETITION NO. 1660 OF 2016

MUKUND JAYANTILAL PATEL (Dead) THRU. Lrs. SMT. RANJANABEN PATEL AND OTHS

VERSUS

BUDDHULAL S/o SHIVMOHAN GUPTA AND ANOTHER

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

S.A. No. 4/2012

Mr. D. G. Paunikar, Advocate for the appellant

Ms. Rajshree Kabra, Advocate h/f Mr. S. D. Khati, Advocate for
respondents nos.1,2,4, 6 to 8.

W.P. No. 1660/2016

Ms. Rajshree Kabra, Advocate h/f Mr. S. D. Khati, Advocate for the
petitioners

Mr. D. G. Paunikar, Advocate for respondent no.1

Mr. Vedant Akhade, Advocate h/f Mr. Amit Kukday, Advocate for
respondent no.2

CORAM : M. W. CHANDWANI, J.

DATE : JULY 23, 2025.

1. Heard the learned counsels for the parties.
2. By these civil applications, the appellant seeks condonation of delay in filing applications for setting aside abatement and bringing the legal heirs of the deceased appellant on record, for setting aside abatement and bringing the legal heirs of the deceased appellant on record.

3. There is a delay of 289 days in filing the applications for bringing the legal heirs of the deceased appellant on record and setting aside of the abatement. The respondents have no objection in condoning the delay.
4. Hence, considering the reasons stated in the application and no objection given by the respondents, the delay of 289 days is condoned. Since, the right to sue survives in favour of the legal heirs of the deceased appellant, permission to bring them on record is granted. The abatement order against the appellant is set aside.
5. Necessary amendment be carried out within two weeks.
6. The civil applications are allowed and disposed of.
7. List the appeal on 06.08.2025 for further consideration.

(M.W.Chandwani, J.)

Diwale