



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

CAF No.3681/2025 in First Appeal No.610/2022
VIDC and another V Sakharam and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.A. Kadu, Advocate for appellants.
Mr. S.V. Ingole, Advocate for resp. no.1.
Mr. Joshi, AGP for resp. nos.2 and 3.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 05-01-2026.

Heard.

2. By this application, the appellants seek condonation of delay in filing the application for setting aside abatement along with a prayer for setting aside abatement and bringing on record the legal representatives of deceased respondent no.1.
3. In response to the notice on the civil application, Advocate Mr. S.V. Ingole has appeared on behalf of legal representatives of deceased respondent no.1.
4. Learned Counsel for the applicants submits that they got knowledge about the death of respondent no.1 after a pursis was filed on their behalf before the Registrar when the matter was listed. Thereafter, the application is filed and delay of 585 days has occurred.
5. It is pointed out that although respondent no.1 has expired on 01-09-2023, learned counsel for respondent no.1 has filed a pursis on 16-09-2025 and the application is filed on 22-09-2025 as such there is no intentional delay on the part of the applicants.

6. Having regard to the contents of the application and the submissions advanced, delay of 585 days does not appear to be intentional and the same needs to be condoned in the interest of justice.

7. In view of this, delay of 585 days in filing the application for setting aside abatement is condoned.

8. The abatement against respondent no.1 is set aside.

9. The appellants are permitted to bring on record the legal representatives of deceased respondent no.1 by carrying out the necessary amendment within two weeks from today.

10. Application is accordingly disposed of.

(Prafulla S. Khubalkar, J.)