



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

CIVIL APPLICATION (CAS) No.120 AND 121 of 2026
SECOND APPEAL NO.519 OF 2015

Waghambar Vitthal Waghmare and another .Vs. Subhradraba W/o Nrayan Deokate
and others

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

Court's or Judge's Order

Mr. Abhay Sambre, Advocate for appellants.

Mr. M.V. Samarth, Advocate for respondent Nos.3(a to d).

CORAM : ROHIT W. JOSHI, J.
DATE : 10/03/2026

1. There is a delay of around 1130 days caused in filing application for bringing legal representatives of deceased respondent No.3 on record. It is stated that the respondent No.3 expired a few days before the Covid-19 lockdown was imposed and that, during the Covid-19 lockdown period, there was a communication gap between the appellants and their learned advocate.

2. Having regard to the contents of the application and also to the fact that the second appeal is filed in the year 2015 and is pending for final hearing and that appeals of earlier years are also pending for final hearing, application for condonation of delay is **allowed**, abatement of appeal against respondent No.3 is set aside and permission is granted to bring the legal representatives of deceased respondent No.3 on record. Despite objection by the learned Advocate for the respondent that the delay is not properly explained, this Court is inclined to condone

the delay for the reasons mentioned in the application. This Court has also taken into consideration the fact that the delay is not adversely affected the prospects of final hearing of the appeal.

3. Having regard to the delay, appellants are directed to deposit cost of Rs.3000/- (Rupees Three Thousand Only) in the 'Public Welfare Account' bearing Account No.129712010001014 (IFSC Code: UBIN0812978) in the Union Bank of India, Branch High Court, Civil Lines, Nagpur.

4. Necessary amendment be carried out on or before **18.03.2026**.

5. Mr. Samarth, learned Advocate waives service of notice for the respondent Nos.3(a to d).

6. List the appeal on **22.04.2026**.

(ROHIT W. JOSHI, J.)