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5 caf 3219-2025

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

CIVIL APPLICATION (CAF) NO. 3219 OF 2025
WITH
CIVIL APPLICATION (CAF) STAMP NO. 3491 OF 2026
WITH
CIVIL APPLICATION (CAF) STAMP NO. 3492 OF 2026
IN
FIRST APPEAL STAMP NO.2741 OF 2024

Dr. Sanjay S/o Goraknath Khemuka
Vs.
Dilip S/o Dinkar Mandpe and others

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

Court's or Judge's orders

Shri Z.Z. Haq, and Shri M.M. Agnihotri, Advocate for appellant in FAST No. 2741/2024
Shri N.D. Khamborkar, Advocate for appellant in FA No. 1096/2024
Shri Rahul Tajne, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.
DATED : 27.02.2026

CIVIL APPLICATION (CAF) NO. 3219 OF 2025

This is an application by the respondent No.1 seeking return of the appeal to the appellant for presentation before the appropriate Court having pecuniary jurisdiction.

2. We have heard the learned Counsel for the parties at length.

3. For the reasons to be recorded separately, the application is rejected.

**CIVIL APPLICATION (CAF) STAMP NO. 3491 OF 2026 WITH
CIVIL APPLICATION (CAF) NO. 3492 OF 2026**

These are applications for condonation of delay and setting aside abatement against the respondent No.2 and for bringing his legal representatives on record.

2. The application be registered.

3. The learned Counsel for the respondent No.1 has no objection.

4. In that view of the matter, both applications are allowed.

5. The delay of 28 days in filing the application is condoned.

6. The abatement caused is set aside.

7. The applicants are permitted to bring the legal representatives of the deceased respondent No.2 on record within two weeks from today.

8. Amendment to be carried out, and amended copy of the appeal memo be served on the other side.

9. On carrying out such amendment, issue notice to the proposed legal representatives, returnable on 27.03.2026.

(NANDESH S. DESHPANDE, J.) (SMT. M.S. JAWALKAR, J.)

Jayashree..