



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

**CIVIL APPLICATION (CAS) NOS.1092, 1093 AND 1094 OF 2025 IN**  
**SECOND APPEAL NO.139 OF 2017**

Sau. Minal W/o Sunil Kalmegh .Vs. Bebibai Tulshidasji Kohale 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. M.A. Sable, Advocate for appellant.

Ms P.R. Agrawal, Advocate for respondent No.1 to 5.

Mr. Y.K. Bhagat, Advocate for respondent Nos.9 and 10.

**CORAM : ROHIT W. JOSHI, J.**

**DATE : 22/04/2026**

1. The respondent No.2 expired on 26.07.2019. The present application is filed on 09.09.2025 seeking condonation of delay in filing an application for bringing legal representatives of deceased respondent No.2 on record, setting aside abatement of appeal against the respondent No.2 and for permission to bring his legal representatives on record.

2. It is stated that the appellant was not aware about the demise of respondent No.2. It is also stated that intimation as contemplated under Order XXII Rule 10-A of the Code of Civil Procedure, was not given.

3. Having regard to the contents of the application as also to the fact that the second appeal is of the year 2017 and appeals of earlier years are also pending for final hearing, it is obvious that the prospects of final hearing of the appeal are not adversely affected by the delay, as such I am inclined to allow the application for condonation of

delay, setting aside abatement of appeal and for permission to bring legal representatives of deceased respondent No.2 on record.

4. The respondent No.8 has expired. His/her legal representatives of deceased respondent No.8 are already on record as respondent Nos.1 to 5. In view of the aforesaid, permission is granted to delete the name of respondent No.8 from the array of the parties. Necessary amendment be carried out on or before **08.05.2026**.

(ROHIT W. JOSHI, J.)

*C.L. Dhakate*