



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

CIVIL APPLICATION (CAS) NO.1109/2025

IN

SECOND APPEAL NO.449/2013

Balaji Bhagoji Borpalle

...Versus...

Kausalyabai @ Chandrakala W/o Nagorao Gotrampalle and others

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

Court's or Judge's orders

Mr. A.S. Dhole, Advocate for appellant
Mr. V.N. Patre, Advocate for respondent Nos.1 and 2
Mr. V.B. Gawali, Advocate for respondent Nos.3 and 4
Mr. A.A. Dhawas, Advocate for respondent Nos.1, 2 & 4

CORAM : ROHIT W. JOSHI, J.

DATE : 04/05/2026

1. This is an application, seeking condonation of delay of 214 days caused in filing application for bringing legal heirs of deceased respondent No.3 on record, setting aside abatement and for bringing legal representatives of deceased respondent No.3 on record.

2. Mr. Gawali, learned Advocate makes a statement that he has instructions to appear on behalf of the proposed legal representatives of respondent No.3.

3. It is stated that application for bringing legal representatives could not be filed within limitation for want of knowledge.

4. It appears that the appellant, who is now around 90 years old, is prosecuting the appeal since the year 2013 and the civil suit since the year 2003.

5. For the reasons mentioned in the application, the same is allowed. Abatement of appeal against respondent No.3 is set aside and permission to bringing the legal representatives of deceased respondent No.3 on record is granted. Necessary amendment be carried out before 08/05/2026.

6. Advocate Mr. Gawali waives notice of Second Appeal for the legal representatives of deceased respondent No.3.

7. Civil Application stands disposed of. No order as to costs.

(ROHIT W. JOSHI, J.)