



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

**CIVIL APPLICATION (CAO) NO.990/2023 WITH**  
**CIVIL APPLICATION (CAO) NO.991/2023 IN**  
**MISC. CIVIL APPLICATION (RESTO.) NO.734/2023 IN**  
**SECOND APPEAL NO.188/2006**

Eknath s/o Laxman Gawande Vs. Babarao Vithalrao Jadhao

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

Court's or Judge's orders

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Shri Ujjwal Wasnik, Advocate h/f Shri R.V. Gaikwad, Advocate for appellant  
Shri M.A. Sable, Advocate for respondent Nos.1(a) to 1(c)

**CORAM : SMT. M.S. JAWALKAR, J.**  
**DATED : 30/11/2023**

It appears that respondent- Babarao Jadhao expired on 10/02/2021. However, the learned Counsel for appellant submitted that the appellant come from a very poor farmer family and being financially weak were unable to keep in touch with the Counsel. Though pursis was filed on 20/10/2023, name of deceased respondent could not be gathered. As such, there is delay of 302 days in filing application for bringing legal representatives of sole respondent. Though, there is no intentional delay but, at least application ought to have been moved within three months. However, there is delay of another 2-3 months.

2. As such, application for condonation of delay in filing application for bringing legal

representatives is allowed subject to costs of Rs.3000/- payable within two weeks to the legal representatives of respondent.

3. As such, abatement is also set aside if amount of costs is deposited as referred above.

4. Both the applications i.e. Civil Application No.990/2023 and Civil Application No.991/2023 are disposed of accordingly.

### **CIVIL APPLICATION (CAO) NO.992/2023**

The present application is filed for bringing legal representatives of the respondent on record. For the reasons stated in the application, the application is allowed.

2. The appellant is permitted to bring on record the legal representatives of respondent i.e. 1(A) to 1(C) subject to payment of costs as awarded in Civil Application No.991/2023.

3. Necessary amendment to be carried out within two weeks after costs is paid.

4. The application stands disposed of.

**JUDGE**

*R.S. Sahare*