



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

Ek Nath s/o Laxman Gawande Vs. Babarao Vithalrao Jadhao

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

Court's or Judge's orders

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