

CNR No. MHRT130002112020

Regular Civil Appeal No. 23/2020

Shri. Prabhakar Bhikaji Kangutkar
Dead through his legal heirs 1A to 1E

Appellants.

Vs.

Vanraj Krushanath Haldankar etc. 4

Respondents.

Order below Exh. 74

1. This is an application filed by appellant No.1B for setting aside abatement of the appeal against deceased respondent No.1 for not bringing his legal heirs on record within the stipulated time.

2. Proposed legal heirs of deceased respondent No.1 appeared and filed their say on the application strongly opposing the same and prayed for its rejection.

3. Perused the application and say. Heard Ld. Advocate for both the sides at length. Perused the record. Respondent No.1 Vanraj Krushanath Haldankar expired on 03.10.2020. As the appellants failed to bring his legal heirs on record within the stipulated period, the appeal abated against him. By this application the appellant No.1B is seeking permission to bring the heirs of deceased respondent No.1 on record and for setting aside the abatement. The dispute pertains rights in immovable property. No doubt there is delay in bringing the legal heirs of deceased respondent No.1 on record, but, non granting of permission to the appellant No.1B for bringing the legal heirs of respondent No.1 would cause grave injustice as the said legal heirs would be deprived in contesting this appeal forever. Therefore, this application deserves to be allowed. Resultantly the following order.

ORDER

1. Application Exh. 74 is allowed.
2. The abatement of this appeal against respondent No.1 is hereby set aside.

Date : 24.02.2021

(N. S. Momin)
District Judge- 1, Chiplun