



852-2025

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

WRIT PETITION NO. 852 OF 2025

(Chandrakant s/o Vitthalsa Khidke Vs. Ramesh s/o Pundalikarao Parve & Ors.)

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

Court's or Judge's orders.

Mr. K.N. Jain, Counsel for the petitioner.

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CORAM : ANIL L. PANSARE, J.
FEBRUARY 17, 2025

Leave to add the other plaintiffs as party to the petition is granted. The amendment be carried out forthwith.

2] The petitioner – plaintiff no.1 is aggrieved by order dated 22/1/2024 passed by the 16th Joint Civil Judge Senior Division, Amravati, in Regular Civil Suit No. 416/2022, and order dated 23/12/2024 passed by the 15th Joint Civil Judge Senior Division, Amravati, thereby rejecting to condone delay to bring on record the legal representatives of original defendant no.2 and also to review the said order. The trial Court rejected the application mainly on the ground that despite giving directions to the original plaintiffs, they did not file on record death certificate of defendant no.2.

3] The learned Counsel for the petitioner submits that the plaintiffs were not in a position to procure the death certificate of defendant no.2. However, the defendants' Counsel filed on record pursis on 15/11/2022 regarding death of defendant no.2 and on 9/7/2024, filed death certificate of defendant no.2.

4] Thus, it appears that the death certificate was on record. The trial Court, however, has held that there is nothing on record to show that defendant no.2 has expired. The trial Court has also frowned upon the delay of eight months in filing application on the ground that the plaintiffs have not made diligent efforts to find out the names of the legal representatives of defendant no.2.

5] Issue notice to the respondents returnable on 10/3/2025.

6] In the meantime, there shall be stay to the suit being Regular Civil Suit No. 416/2022 pending before the 16th Joint Civil Judge Senior Division, Amravati.

(ANIL L. PANSARE, J.)

Sumit