



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

CIVIL APPLICATION (CAF) NO. 876 OF 2024

IN

FIRST APPEAL NO. 424 OF 2018

The Executive Engineer, Wardha

.VS.

Ramaji S/o. Upashya Sahare (dead) through LR's and others

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

Mr A. M. Kukday, Advocate for the appellant
Mr C. R. Najbile, Advocate for respondent Nos. 1 to 5
Mr Ganesh Umale, AGP for respondent Nos. 7 and 8/State

CORAM : G.A. SANAP, J.

DATE : MARCH 19, 2024.

Heard.

2. This is an application for condonation of 754 days delay caused in filing an application for setting aside abatement and for bringing legal representatives of respondent No.2 on record.

3. Respondent No. 2 died on 08.02.2021. The reasons have been stated in the application. Learned Advocate Mr C. R. Najbile appearing for legal heirs of respondent No. 2 has no objection.

4. In view of this, the application is **allowed**.

5. The delay caused in filing the application for setting aside abatement is condoned.
6. The abatement order is set aside.
7. The appellant is allowed to bring on record the legal heirs of respondent No.2 being respondent No.2A and 2B.
8. Learned Advocate Mr C. R. Najbile submit that he has instructions to appear for legal heirs of respondent No.2.
9. The order be complied within a week.
10. The civil applications stands **disposed of**, accordingly.

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11. Record and proceeding is received.
12. Paper book be filed within six weeks. If the paper book is not filed within six weeks the appellant shall pay cost of Rs.2,500/- (Rupees Two Thousand Five Hundred Only) to the Vidarbha Lady Lawyers Association, Nagpur.

(G. A. SANAP, J.)