



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

CIVIL APPLICATION NOS.432 OF 2026, 433 OF 2026 AND 434
OF 2026

IN
SECOND APPEAL NO.49 OF 2017

Gajanan D. Chauhan Vs. Shankar P. Kadu

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. S. B. Mohta, Advocate for applicant/appellant.
Mr. R. G. Kavimandan, Advocate for non-applicant/respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 16.04.2026.

1. The sole appellant has expired on 08.11.2024. These applications are filed seeking condonation of delay in filing application for bringing his legal representatives on record, setting aside abatement of appeal against him and for permission to bring his legal representatives on record.

2. Although the reply of respondent is not filed, learned advocate for the respondent has produced for perusal copy of the reply which is sworn by respondent sole on 14.04.2026. The reply is dispatched through speed post and is stated to be in transit. However, the contents of reply are being considered while dealing with the present application.

3. It is stated in the application that, that the applicants, who are legal representatives of deceased

appellant were not aware about the pending litigation. Such explanation is difficult to digest, since the litigation is ongoing since the year 1998. However, having regard to the fact that, the appeal is of the year 2017 and appeals of previous years are also pending for final hearing, the delay has not adversely affected the prospects of final hearing of the appeal and as such delay has not caused any prejudice to the respondent.

4. Having regard to the aforesaid, application for condonation of delay, setting aside abatement and for permission to bring legal representatives of deceased appellant on record are **allowed**, subject to payment of costs of Rs.5,000/- in the following account :-

Account Name : Public Welfare Account
Account No. : 129112010001014
Bank Name : Union Bank of India,
Branch Name : High Court, Civil Lines, Nagpur
IFSC Code : UBIN0812978.

(ROHIT W. JOSHI, J.)

Ταημαγ...