

Ingale

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 591 OF 2015

IN

CIVIL APPLICATION NO. 2157 OF 2012

IN

R.C. NO. 579 OF 2014

Smt.Sarifabi Mahiboob Chendake and anr. Applicants

Vs.

Shri Aansar Allauddin Chaoudari and others ... Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Madhav Jamdar i/b Mr.Rohan P.Surve, Advocate for the Applicants.

CORAM : R.G.KETKAR, J.

DATE : 06th APRIL, 2015

PC.

. Not on board. At the request of Mr.Madhav Jamdar, taken up in the Production Board.

2. Heard Mr.Madhav Jamdar, learned Counsel for the applicants.

3. Mr.Jamdar submitted that the suit instituted by the original plaintiffs for partition and separate possession was decreed by the trial Court. Appeals preferred by the defendants No. 1 & 2 as also plaintiffs were decided on 07/04/2012. Regular Civil Appeal No. 163 of 2009 preferred by the original plaintiffs was partly allowed. Regular Civil Appeal No. 179 of 2009 preferred by defendants No. 1 & 2 was dismissed. He submitted that since there was delay in filing Second Appeal, Civil Application No. 2157 of 2012 for condonation of delay was filed.

By order dated 05/03/2013, notices were issued to the respondents. However, since Bhatta charges were not paid, Civil Application was dismissed for non-prosecution vide order dated 28/03/2014 passed by the Registrar (Judicial – II). As Bhatta charges were not paid, office did not issue notices to the respondents. Present Civil Application is taken out for recalling the said order after condoning the delay of 324 days in filing the application.

4. In view thereof, Civil Application is allowed in terms of prayer clauses (a) & (b) with no order as to costs.

5. At the request of Mr.Jamdar Civil Application No. 2157 of 2012 is taken on board.

6. Issue notice to the respondents, returnable on 28/04/2015. Hamdast is permitted.

(R.G.KETKAR, J.)