

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

CAO NO.1336 OF 2014
IN
MCA ST.NO.16458 OF 2014
IN
SA NO.49 OF 2007
Sureshkumar Mishrikotkar and ors
..vs..
Shri Prabhakar Lambe and ors

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

Court's or Judge's order

Shri U.K. Bise, counsel for the applicants/appellants.
Shri A.D. Sonak, counsel for N.A./R-1.
Mrs. Smita Singalkar, counsel for N.A./R-2.

CORAM : A.P. BHANGALE, J.
DATE : JUNE 23, 2015.

Heard.

This is an application for condonation of delay of 1676 days caused in filing the application for restoration of the second appeal.

According to learned counsel for the applicants, the second appeal was dismissed pursuant to order dated 12.11.2009. Subsequently, since one of the appellants died after six days of said order dated 12.11.2009, steps could not be taken earlier.

Learned counsel for the non-applicants strongly oppose the application for condonation of delay on the ground that the decree had attained the finality and condonation of delay ought not be granted.

Considering the facts and circumstances, I am inclined to condone the delay provided that the applicants / appellants shall deposit the payment of costs in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) in this Court as condition precedent for restoration of the second appeal

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within a period of one month, failing which the application shall stand rejected without further reference to this Court.

JUDGE

!! BRW !!

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