

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

Civil Application [CAF] No.2428 of 2015

in

First Appeal St. No.6526 of 2015

(Deputy Chief Engineer, Central Railway, Ajni, Nagpur

vs.

Smt. Yamunabai Shivramji Kherde and others)

=====

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

=====

Court's or Judge's Orders

*Shri Abhijeet Parihar, Adv. h/f Shri Anoop Parihar, Adv. for the Appellant.
Ms. Shruti Najbile, Advocate for Respondent Nos.2 to 6.
Smt. A.R. Kulkarni, A.G.P. for Respondent Nos.7 and 8.*

CORAM : R.K. DESHPANDE, J.

DATE : JANUARY 6, 2016.

By the present application, the applicant seeks condonation of delay of 223 days caused in filing the appeal. Notices were issued. No reply is filed. Respondent No.1 is reported to be dead.

After going through the averments, which remain uncontroverted, I am satisfied that sufficient cause is made out for condonation of delay. Hence, the delay caused is condoned.

The civil application is allowed and disposed of.

First Appeal Stamp No.6526/2015 :

Heard the learned Counsel for the appellant on merits of the matter.

ADMIT.

Ms. Najbile, the learned Counsel waives service of notice for respondent Nos.2 to 6 and Smt. A.R. Kulkarni, learned A.G.P. for respondent Nos.7 and 8.

Call for record and proceedings.

The name of respondent No.1 is permitted to be deleted. In view of the fact that the legal representatives of respondent No.1 are already brought on record, the amendment to that effect be carried out within a period of two weeks from today.

Civil Application [CAF] No.2429/2015 :-

The interim order passed by this Court shall continue to operate pending the decision of the appeal.

If the entire decretal amount is not deposited within a period of four weeks from today, the interim order shall stand vacated and the Executing Court shall be at liberty to execute the decree expeditiously.

The civil application stands disposed of.

JUDGE

**sandesh*