

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

Civil Application (CAO) No.1361 of 2014

In

Misc. Civil Application Stamp No.8001 of 2014

In

Civil Application (CAO) No.765 of 2012

In

Misc. Civil Application Stamp No.9527 of 2012

And

Misc. Civil Application Stamp No.15063 of 2011

In

Second Appeal No.327 of 2006 (D)

(Prakash s/o Nemichand Chavan and others v. Amirbi w/o Samiullah Khan  
and others)

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

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Shri R.S. Thengre, Advocate for Applicants.

**Coram : R.K. Deshpande, J.**

**Date : 9<sup>th</sup> February, 2017**

The applicants claim to be the owners of Plot No.9 in Khasra No.61/3, admeasuring total 2.25 acres of land. In Second Appeal stamp No.9027 of 2000, the applicants were not parties, and it was a suit arising out of the decree passed for specific performance of contract. The parties to the said suit compromised the matter in the said second appeal, and accordingly filed Civil Application No.3772 of 2000 before this Court for modification of the decree in terms of the compromise.

On 24-3-2006, this Court accepted the compromise and modified the decree passed by the Courts below. The compromise was in respect of 2.25 acres of land out of Khasra No.61/3, which included Plot No.9 belonging to the applicants.

The applicants had filed Regular Civil Suit No.6 of 1997 for declaration of their title over the suit plot and for permanent mandatory injunction against Sumit Co-operative Society. In the said suit, the possession of the plaintiff over the suit plot was protected. Regular Civil Appeal No.426 of 2013 is preferred arising out of the said suit, and it is pending for adjudication before the lower Appellate Court.

It is the apprehension of the applicants that the compromise decree dated 24-3-2006 passed on Civil Application No.3772 of 2000 in Second Appeal Stamp No.9027 of 2000 is likely to come in the way of the applicants to claim the relief. Hence, Misc. Civil Application (Review) Stamp No.15063 of 2011 was filed along with Civil Application Stamp No.15064 of 2011 for grant of leave to file review application, Civil Application Stamp No.15065 of 2011 for condonation of delay of 1975 days caused in filing review application, are filed. The applications were dismissed in fault. Hence, Misc. Civil Application and Civil Application for restoration and condonation of delay were filed, which were also dismissed.

Multiple applications for condonation of delay and restoration have been dismissed, and this is one of such applications for condonation of 222 days' delay caused in filing restoration application.

Regular Civil Suit No.6 of 1997 has already been filed by the applications, and in Regular Civil Appeal No.426 of 2013, the cross-objection has also been filed. The points urged in the review application can be urged in such proceedings, which can be dealt with by the lower Appellate Court in accordance with law.

The applications, therefore, do not survive. The same stand disposed of.

Judge.

Lanjewar