

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

Civil Application (CAS) No.409 of 2016

In

Second Appeal Stamp No.25628 of 2015

(Shri Nilkanth s/o Sakharam Girsavale v. Sau. Chulanbai @ Rekha w/o Gurudas)

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

Shri D.V. Siras, Advocate for Applicant/Appellant.

Coram : R.K. Deshpande, J.

Date : 15th February, 2017

Civil Application (CAS) No.409 of 2016 :

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

Notice of this application was issued to the respondent. The respondent is served. No reply is filed.

After going through the averments made in the application, I am satisfied that a sufficient cause is made out for condonation of delay. Hence, the delay caused is condoned.

The civil application is allowed and disposed of.

Second Appeal Stamp No.25628 of 2015 :

Heard Shri Siras, the learned counsel for the appellant on merits of the matter.

The claim of the appellant for specific performance of contract has been rejected on the ground that the appellant has failed to take steps to obtain a permission from the Collector for getting the agricultural land transferred in his name. The question involved is whether the Court could have passed a decree, making it conditional upon obtaining the permission of the Collector.

Issue notice to the respondent for final disposal of the matter, returnable on 7-6-2017.

Service by RPAD in addition to regular mode, is allowed.

Judge.

Lanjewar