

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

Civil Application (CAS) No.860 of 2014

In

Second Appeal Stamp No.9657 of 2014

(Nagpur Municipal Corporation, through its Municipal Commissioner, Civil
Lines, Nagpur v. Smt. Kala w/o Harsh Borkar and another)

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

Shri H.A. Deshpande, Advocate, for Shri J.B. Kasat, Advocate for
Applicant.

Coram : R.K. Deshpande, J.

Date : 9th February, 2017

The lower Appellate Court has set aside the notice issued under Section 286(2) of the City of Nagpur Corporation Act for demolition of unauthorized construction of the non-applicant No.1 Smt. Kala w/o Harsh Borkar, and this is the subject-matter of challenge in this second appeal

There is Civil Application No.860 of 2014 for condonation of 693 days' delay caused in filing an appeal. Notices were issued to the non-applicants/respondents. The matter is already dismissed on 27-8-2015 against the respondent No.1, to whom the notice was addressed.

In view of this, the civil application for condonation of

delay does not survive. The same is dismissed.

Needless to say that if the lower Appellate Court has held that the notice served was not in accordance with law, it is always open for the applicant-Corporation to issue fresh notice and to act accordingly.

Judge.

Lanjewar