

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

Civil Application (CAS) No.512 of 2015

In

Second Appeal Stamp No.8605 of 2012

(Martand s/o Ganpat Akhare v. Awadhoot s/o Patthuji Dandale (Dead),
through LRs. Ramrao Awadhoot Dandale and others)

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

Shri U.J. Deshpande, Advocate, holding for Shri J.B. Gandhi,
Advocate for Applicant/Appellant.

Coram : R.K. Deshpande, J.

Date : 9th February, 2017

Civil Application (CAS) No.512 of 2015 :

The matter was called out on 23-8-2016, when this Court
passed an order as under :

“ *Put up this matter on 30.08.2016, by way of last
chance.*

*If the matter is not argued and seeks an adjournment
on the next date, the counsel seeking an adjournment shall
pay costs of Rs.500/-.”*

Thereafter the matter was listed on 30-8-2016. It was
adjourned at the request of Shri Gandhi for the

applicant/appellant. The matter was included in the board published on 6-2-2017. It was called out on two occasions on 8-2-2017. Today also, it is called out. Shri Deshpande, the learned counsel for the applicant/appellant, seeks an adjournment when this Court proceeded to dictate the order. There is no reply filed by the respondents opposing the application for condonation of delay.

Hence, the application is allowed. The delay caused is condoned.

Second Appeal Stamp No.8605 of 2012 :

I have gone through the judgments delivered by both the Courts below.

The appellant is the plaintiff. The Courts below have recorded the finding of fact that the encroachment has not been established. The finding of fact does not give rise to any substantial question of law.

The second appeal is dismissed.

Judge.