

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

Civil Application (CAS) No.795 of 2015

In

Second Appeal Stamp No.13640 of 2015

(Raju Bhimrao More and others v. Vitthal Maroti Hatkar and another)

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

Shri R.J. Shinde, Advocate for Applicants/Appellants.
Shri R.D. Karode, Advocate for Respondent No.2.

Coram : R.K. Deshpande, J.

Date : 9th February, 2017

Civil Application (CAS) No.795 of 2015 :

Heard Shri Shinde, the learned counsel for the applicant/appellant; and Shri Karode, the learned counsel for the respondent No.2. None appears for the respondent No.1.

After going through the averments made in the application, which remain uncontroverted, I am satisfied that a sufficient cause is made out for condonation of delay of 49 days caused in filing an appeal. Hence, the application is allowed. The delay caused is condoned.

The civil application is disposed of.

Second Appeal Stamp No.13640 of 2015 :

On merits, it is pointed out that the lower Appellate Court rejects the claim that it was a self-acquired property of the defendant No.2, the father of the plaintiffs. It records the finding that the legal necessity has not been established.

In view of this, the question is whether the Courts below have committed an error in refusing to pass a decree for setting aside the sale-deed dated 5-1-2007.

Put up this matter on 14-2-2017.

Judge.

Lanjewar