

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

Civil Application (CAS) No.799 of 2015

In

Second Appeal Stamp No.17491 of 2015

Along with

Second Appeal Stamp No.17491 of 2015

(Kantilalji s/o Motilalji Chordiya and another v. Raju s/o Shantilal Chopda
and others)

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

Shri M.P. Kariya, Advocate for Applicants/Appellants.

Shri J.H. Kothari, Advocate for Respondent Nos.1, 3, 4 and 5.

Coram : R.K. Deshpande, J.

Date : 9th February, 2017

Civil Application (CAS) No.799 of 2015 :

This is an application for condonation of 280 days caused in filing the present second appeal. Notices were issued. The respondents have filed their reply opposing the claim for condonation of delay.

With the assistance of the learned counsels appearing for the parties, I have gone through the averments made in the application as well as those in the reply filed. The delay caused is sufficiently explained in the application and, therefore, I am satisfied that a sufficient cause is made out for condonation of delay. Hence, the delay caused is condoned.

The civil application is disposed of.

Second Appeal Stamp No.17491 of 2015 :

Heard the learned counsels appearing for the parties on the merits of the second appeal.

The appellants are the original plaintiffs, who filed a suit for permanent injunction restraining the respondent-defendants from interfering with their possession over the suit property as tenants without having recourse to the provisions of law. The defendants filed the counter-claim seeking a decree for eviction of the plaintiffs as gratuitous licensees. The Courts below have concurrently held that the plaintiffs have failed to produce on record any documentary or other oral evidence except his sole testimony to establish that they were inducted in the suit premises as tenants. The Courts below have held that the plaintiffs were gratuitous licensees in respect of the suit premises and the defendants are entitled to seek a decree for eviction. The findings of fact do not give rise to any substantial question of law.

The second appeal is dismissed.

Judge.