

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

Civil Application (CAO) No.1970 of 2016

In

Misc. Civil Application Stamp No.18989 of 2016

In

Rej. Second Appeal No.769 of 2015

(Abaji Narayan Nikure and others v. Maroti Tukaram Juware)

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

Shri R.R. Vyas, Advocate for Applicants/Appellants.

Coram : R.K. Deshpande, J.

Date : 17th February, 2017

The second appeal was preferred by the original defendants challenging the decree passed by the lower Appellate Court permanently restraining the defendants from obstructing peaceful possession of the plaintiff over Survey No.73/A (old Survey No.38) to the extent of 3.70 HR land, situated at Kalamtola Chak, Tahsil and District Gadchiroli. There was a delay of 347 days caused in filing an appeal. However, the appeal did not accompany the civil application for condonation of delay. For non-removal of office objection, the matter was dismissed by the order of registration on 29-10-2015. Hence, Civil Application No.1970 of 2016 has been filed seeking condonation of 289 days' delay caused in filing an application for restoration along with the prayer for restoration.

Keeping aside all the aforesaid applications, Shri Vyas, the learned counsel for the applicants/appellants, was asked to argue on the merits of the matter.

Shri Vyas submits that in fact the defendants had stated in the evidence that they are not concerned with the suit property. The title of the plaintiff over the suit property has not been disputed by the defendants and consequently the possession also. He, therefore, makes a statement on behalf of the appellants that they do not intend to disturb the possession of the plaintiff over the suit property.

Hence, accepting the aforesaid statement made on behalf of the appellants, the second appeal stands disposed of.

Judge.