

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No.1415 of 2017
IN
Misc. Civil Application St. No.20586 2017
IN
Second Appeal St. No. 3210 of 2017
[Nagorao Sadashiv Bagde & others Vs. Kisan Pandurang Ganveer & others]

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

Court's or Judge's orders

Mr. J. B. Kasat, Adv., for the applicants.

CORAM : A. S. CHANDURKAR, J.

DATE : 28th September, 2017

For the reasons stated in the application, delay in filing restoration application stands condoned.

Civil Application is disposed of.

Misc. Civil Appln. St. No.20586/2017 :

Prayer is to restore the Second Appeal as its registration is refused for non-removal of office objections.

For the reasons stated in the application, the order refusing registration is revoked. However, the applicants to pay cost of Rs.500-00 [rupees five hundred

only] to the High Court Legal Services Sub-Committee within a period of one week from today. Similarly, objections, if any, be removed within a period of one week.

If aforesaid directions are not complied, earlier order refusing registration shall revive.

Misc. Civil Application is disposed of.

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Second Appeal St. No. 3210 of 2017 :

It is submitted on behalf of the appellants that the suit for partition and separate possession was filed only in respect of lands bearing Gat Nos. 45 and 46. The trial Court dismissed the suit. However, the first appellate Court included another property bearing Survey No. 22/2 and thereafter proceeded to even grant share in the said property.

Heard.

Issue notice on the substantial question of law as to whether the appellate Court was legally justified in including another property with regard to which no relief was sought as joint family property for being partitioned?

Notice is made returnable on 27th November,

2017.

Hamdast is granted.

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Civil Application St. No.3211 of 2017 :

Heard.

Issue notice, returnable on 27th November,2017.

Though the demarcation of shares may be carried out, possession of the respective parties shall not be disturbed until further orders.

Judge

[hedau]