

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

Civil Application (CAS) No.988 of 2015

In

Second Appeal Stamp No.21646 of 2015

(Ghansham s/o Rupchand Lalwani and another v. Sau. Ushabai Wamanrao
Nirmal and others)

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

Shri J.A. Anthony, Advocate for Applicants/Appellants.
Shri P.A. Dharaskar, Advocate for Respondent Nos.1 and 2.
Ms Vidya Umale, Advocate for Respondent No.3.

Coram : R.K. Deshpande, J.

Date : 9th February, 2017

The second appeal challenges the money decree passed by the Trial Court, which is modified by the lower Appellate Court. The Trial Court passed a decree for a sum of Rs.4,48,593/- along with interest at the rate of 9% per annum, and the modified decree is for Rs.2,74,291/- with interest at the rate of 6% per annum. The decree is for the damage caused to the house of the plaintiffs as a result of blast carried out by the appellants in the well, which was to be dug.

Heard the learned counsels appearing for the parties on the application for 118 days' delay caused in filing the second appeal.

With the assistance of the learned counsels appearing for the parties, I have gone through the averments made in the application as well as in the reply filed. In the application, the cause putforth is that the applicant No.2 was seriously ill and, therefore, the counsel could not be contacted. The affidavit to the application is sworn in by the applicant No.1, who could have filed the appeal within a period of limitation. There is no other cause shown except the paucity of money, which has been rebutted by the respondents that the applicants are engaged in the business. No sufficient cause is made out.

The civil application is dismissed.

Judge.

Lanjewar