

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 1093 of 2016
IN
Second Appeal St. No.21714 of 2016
[President, Karmachari Grihnirman Sah. Sanstha Vs. Secretary,
Gram Panchayat, Shrirampur, Pusad & others]

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

Court's or Judge's orders

Mr. G. M. Kubade, Adv., for the applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 21st August, 2017

By this application, it is prayed that the delay in filing the Second Appeal be condoned. In the application, it is stated that the respondent no.1 - Gram Panchayat, which was expected to take action for removal of encroachment, was not taking any steps in that regard. Though the applicant is the original plaintiff, it could not decide whether to have the decree executed or to file the Second Appeal, as the relief of possession was not granted in its favour.

The application is opposed by the respondent nos. 2,3, 5 to 7 by filing reply. It is stated that the reasons mentioned are not sufficient for condoning the delay.

After perusing the application and the reply, I find that the delay as caused is not deliberate. The reasons mentioned in para 5 of the application appear to be acceptable. Hence, delay in filing the Second Appeal stands condoned.

Civil Application is allowed and disposed of..

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Second Appeal St. No. 21714 of 2016 :

Heard.

Issue notice on the following substantial question of law:-

Whether the appellate Court ought to have directed delivery of possession of the suit plot after removal of encroachment to the original plaintiff?

Notice is made returnable on 27th September, 2017.

Hamdast is granted.

Records of Second Appeal No. 94 of 2017 be kept
along with the appeal for perusal.

Judge

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