

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CAS No.467 of 2017 in Second Appeal St. No.2516/2017
(Syed Zakir Hussain s/o Sayed .vs. Sher Ali s/o Gulab Ali and another.)

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

Mr. A.R. Patil, Advocate for Appellant.
Mr. M. Shareef, Advocate for Respondent Nos. 1 & 2.

CORAM : Manish Pitale, J.
DATED : March 27, 2018.

This is an application for condonation of delay in filing second appeal. The reply has been filed on behalf of the respondents and the prayer for condonation of delay is opposed.

Having heard the counsel for the parties, for the reasons stated in the application, particularly paragraphs 7 and 8, I am of the opinion that it would be in the interest of justice that delay is condoned. Moreover, connected second appeal arising from the same impugned judgment and order filed by the respondents being Second Appeal No. 91 of 2015 is already pending for final disposal in this Court. Hence additionally for the said reason also, this application is allowed and the delay is condoned.

Second Appeal St.No.2516/2017.

Heard Mr. A.R. Patil, learned counsel appearing on behalf of the appellant.

Issue notice on the following substantial question of law:

Whether the appellate Court was justified in directing refund of earnest amount in the present case, in the absence of a prayer for setting aside of alleged cancellation of agreement by the appellant?

Mr. Shareef, learned counsel, waives notice on behalf of the respondent Nos. 1 and 2

List this appeal with Second Appeal No. 91 of 2015 for final disposal on 17.04.2018.

JUDGE

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