

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO.4317 OF 2019
IN SA/689/2012

DEVIDAS BHAURAO GANGURDE
VERSUS
GULABRAO ZAGA LONDHE AND ANR

...
Advocate for Applicant : Mr. Kulkarni Mukul S.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 02-04-2019.

ORAL ORDER :

1. Heard both sides. Present application has been filed to recall the order of abatement and dismissal of second appeal passed by learned Registrar (Judicial) on 26-11-2014 and get the delay of 1539 days condoned. According to the applicant he came to know about the dismissal of the second appeal as against respondent No.2 when the matter was listed on 18-02-2019. It is stated that, the delay is unintentional.
2. Though the reason for delay appears to be not properly worded, however the fact remains is that the respondent No.2 is a co-operative housing society and it appears that, when after the appeal was admitted the chairman was tried to be served with the notice of

admission. It was returned with remark that the chairman has expired. In fact taking into consideration the fact that the respondent No.2 is a juridical person there could not have been an abatement and the second appeal ought not to have been dismissed by the learned Registrar (Judicial).

3. Under such circumstance application is allowed. The order passed by learned Registrar (Judicial) on 26-11-2014 is hereby recalled. Delay is hereby condoned.

4. Appellant to take appropriate steps for serving respondent No.2 on or before 16-04-2019.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.