

vks

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.463 OF 2015
IN
APPEAL FROM ORDER NO.606 OF 2008**

Mangare Chottu Choudhari ... Applicant
V/s.
Mohammed Shafi Jangbahadur Khan ... Respondent.

Mr. Rajendra K. Yadav, for the Applicant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th JANUARY, 2019.

P.C. :

- 1] Heard Learned counsel for the applicant.
- 2] This application is preferred for condonation of delay of 2 years and 307 days in preferring the present application, for setting aside the order of abatement dated 13.3.2012, passed by this Court, in Appeal from Order No.606 of 2008.
- 3] Considering that the appeal is preferred against the order dated 7.5.2008, passed in Notice of Motion No.732 of 2008 and, there is delay of about 3 years in preferring this Application even after abatement order was passed, no case is made out for condonation of delay. The appellant can very appear before the trial Court and argue the matter. Hence the application stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]