

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

CIVIL APPLICATION (CAS) NO. 357 OF 2018
IN
SECOND APPEAL NO. 12335 OF 2017

Mohammad Alimuddin s/o Mohammad Sagiroddin and anr.

..VS..

Haji Sheikh Usman Sheikh Turab (Dead), thr. LR's 1A- Sheikh Yusuf s/o Haji Sheikh Usman
& ors.

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

Court's or Judge's orders

Shri Vinay Dahat, Adv. h/f Shri J.B. Kasat, Adv. for respondent nos.
1A, C, D.

CORAM : VINAY JOSHI, J.
DATED : 14th NOVEMBER, 2019

None appears for the appellants.

2. Heard learned Advocate for the respondents.
3. The appellants are seeking condonation of delay of 32 days caused in filing Second Appeal. It reveals that initially respondents had filed Small Cause Civil Suit No. 2 of 2005 for possession from tenant. The said suit was decreed against which the appellants have filed First Appeal bearing Regular Civil Appeal No. 68 of 2007 which was dismissed.
4. Being aggrieved, the appellants who suffered with possession decree had filed Second Appeal alongwith this condonation of delay application.
5. Learned Advocate appearing for

respondents/original plaintiffs made a statement that already the respondent had filed execution petition in which he received possession and as such decree is executed. No doubt, in terms of Section 144 of the Code of Civil Procedure, the other side can seek reversal if, succeeds in appeal. Perhaps, this can be a reasons for non-appearance of appellant as he had lost the interest since decree is executed. Nobody represents the appellants to satisfy on application of condonation of delay.

6. The applications stands disposed in default alongwith Second Appeal.

JUDGE

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