

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

CIVIL APPLICATION (CAS) NO.549 OF 2018

IN

SECOND APPEAL (STAMP) NO.5213 OF 2018

(Akola Municipal Corporation ..vs.. M/s. Rungta Automobiles)

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

Court's or Judge's orders

Shri S.V. Sohoni, Counsel for the appellant,
Shri A. Shelat, Counsel for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 02-04-2019

This application is taken out for condonation of delay of 88 days in preferring the second appeal.

2. Shri A. Shelat, learned Counsel for the non-applicant-respondent is opposing the condonation of delay prayer strongly.

3. However, for reasons stated in the application, *inter alia* in paragraphs 3 and 4 thereof, the delay is condoned.

4. The application is disposed of accordingly.

Second Appeal (Stamp) no.5213/2017

Issue notice for final disposal on the following proposed substantial questions of law :

- (i) Whether the jurisdiction of the civil Court is impliedly ousted in view of the provisions of Section 406 of the Provincial Municipal Corporation Act ?
 - (ii) Whether the suit was tenable in the absence of notice under Section 487 of the Provincial Municipal Corporation Act ?
- 2. The notice is made returnable on 16-4-2019.
 - 3. Hamdast granted.

JUDGE

adgokar