

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

CIVIL APPLICATION (CAO) NO.658 OF 2018
IN
MISC. CIVIL APPLICATION STAMP NO.6885 OF 2018
IN
R.C. NO.72 OF 2015
IN
SECOND APPEAL STAMP NO.24749 OF 2014

(Deorao Shrawan Sonekar and others Vs. Ganpat Namdeo Lande and others)

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

Court's or Judge's orders.

Smt. V. Khadekar, Advocate for Appellants.
Shri J.R. Kidilay, Advocate for Respondent 3.

CORAM: ROHIT B. DEO, J.
DATE: 25th MARCH, 2019.

Heard.

2] This application is taken out for condonation of 1126 days delay in filing application for restoration of appeal which is dismissed on 12.02.2015. The explanation given for the gross delay is not satisfactory. The appellant took out an application for restoration of the second appeal. The application for restoration is also dismissed on 10.02.2017 for want of prosecution. The appellant then preferred an application for restoration of the restoration application which is also rejected by order dated 13.07.2017. The conduct of the appellant, as is reflected from the record of proceedings, dis-entitles the appellant to any relief in equity.

3] Be that as it may, in order to satisfy the conscious of the Court, the merits are looked into to ascertain whether there is any seriously arguable issue. This Court finds that the appeal does not involve any question of law much less substantial question of law.

4] Protection from dispossession is sought relying on the provisions of section 53-A of the Transfer of Property Act. The basic conditions are not satisfied. The written argument is not proved. It is further not proved that the defendants had fulfilled their part of the contract. The reversing judgment of the Appellate Court is therefore, unexceptionable.

5] The application for condonation of delay is rejected.

JUDGE