

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

MISC. CIVIL APPLICATION NO.440/2017

IN

APPEAL AGAINST ORDER NO.11/2016 (D)

Smt. Vaishali w/o Satish Borkar and others

...Versus...

Sudhir s/o Pandurang Sahare and another

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

Court's or Judge's orders

Shri R.V. Gaikwad, Counsel for applicants
Shri M.R. Johrapurkar, Counsel for respondents

CORAM : ARUN D. UPADHYE, J.

DATE : 08/03/2019

Heard.

Perused the application.

The learned Counsel for the applicants has submitted that he was not present when the Appeal Against Order was listed for final hearing and therefore, the Misc. Civil Application be allowed by restoring the Appeal Against Order to its original file and the applicants be given an opportunity of hearing on merit.

The learned Counsel for the respondents has strongly objected for allowing the Misc. Civil Application and submitted that the decree is already executed and the respondent no.1 got the possession. He, therefore, prayed for dismissing the Misc. Civil Application.

Considering the submissions of the learned Counsel for the parties, I am of the view that the Misc. Civil Application could be allowed and the Appeal Against Order could be heard on merit.

Hence, the Misc. Civil Application is allowed. The Appeal Against Order is restored to its original file. The Appeal Against Order be listed for final hearing in the week commencing from 25/03/2019.

The Misc. Civil Application stands disposed of accordingly. No order as to costs.

JUDGE

Wadkar, P.S.