

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

CIVIL APPLICATION (CAO) NO.1671 OF 2019
IN
MISC.CIVIL APPLICATION (MCA) ST.NO.9078 OF 2019
IN
SECOND APPEAL (SA) NO.240 OF 1995.

(Mrs.Ashabai Diwakar Mulkalwar, Gondia & Ors. Vs. Mrs.Chhotibai Gopalsao Narware & Ors.)

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

Court's or Judge's orders.

Shri S.Borkar, Advocate for the appellants.

CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 20, 2019.

Heard. None present for respondents in spite of due service.

This is an application for condonation of 2916 days delay in filing application for restoration of the Second Appeal No.240/1995 which got dismissed in default by order dated 25/03/2011 passed by this Court.

Perusal of record would show that the appellants are continuously enjoying the possession over the suit property since beginning in view of stay granted in their favour and because of which they are showing a very casual approach in prosecuting the instant appeal.

The delay of 2916 days in filing application for restoration of the Second Appeal

No.240/1995 application is condoned, however, on condition that the appellants shall deposit Rs.10,000/- towards costs within one week from today with the Vidarbha Lady Lawyers' Association, Nagpur.

Only on deposit of the aforesaid amount, the Second Appeal No.240/1995 shall stand restored to the file.

MISC.CIVIL APPLICATION (MCA) ST.NO.9078 OF 2019

In view of order passed above, this application seeking restoration of the Second Appeal No.240/1995 does not survive. It is disposed accordingly.

SECOND APPEAL (SA) NO.240/1995

After restoration, list the matter for final hearing on 03/12/2019.

JUDGE