



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

CIVIL APPLICATION (CAO) NO. 1205 OF 2019
IN
MISC. CIVIL APPLICATION (ST.) NO. 12609 OF 2019
IN
CIVIL APPLICATION (CAS) NO. 874 OF 2017
IN
SECOND APPEAL (ST.) NO. 9621 OF 2017

PANDURANG S/O RAGHOBAJI KHOND

...VERSUS...

MAROTI S/O. RAGHOBAJI KHOND AND ORS.

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

Court's or Judge's order

Shri Abdul Subhan, Advocate for applicant/appellant.
Shri M.P.Kariya, Advocate for respondent nos. 1 and 2.

CORAM : SMT. M. S. JAWALKAR,J.
DATE : 13th DECEMBER, 2023

Leave to amend the cause title is granted.

2. Amendment to be carried out forthwith.

3. The present application is filed for condonation of delay in filing application for restoration of delay application filed in Second Appeal (St.) No. 9621/2017.

4. It appears that earlier, the appellant was directed to deposit Rs. 25,000/-. As he could not arrange this amount, he filed application for modification. Accordingly, this Court modified the order and directed the appellant to deposit Rs. 10,000/-, which is duly deposited by the appellant.

5. The SA (St.) No. 9621/2017 was rejected earlier as he could not deposit the amount of Rs. 25,000/-. In this process, the delay has been caused in filing application for restoration of delay application filed in Second Appeal (St.). The delay is neither intentional nor deliberate. There is delay of 37 days. In view of the reasons stated in para nos. 4 and 5 of the application, I am satisfied that there is justifiable reason for condonation of delay in filing application for restoration of delay application filed in Second Appeal (St.). As such, the application is allowed. Delay in filing application for restoration of delay application filed in Second Appeal (St.) No. 9621/2017 is hereby condoned.

6. Registry is directed to register the restoration application i.e. MCA (St.) 12609/2019.

7. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 12609 OF 2019

The present application is filed for restoration of delay application filed in Second Appeal (St.) No. 9621/2017.

2. For the reasons stated in para nos. 4 and 5 of the application, the application is allowed.

3. Registry is directed to restore the Civil Application (CAS) No. 874/2017 on its original number.

4. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAS) NO. 874 OF 2017 IN SECOND APPEAL (ST.) NO. 9621 OF 2017

At this juncture, both the parties have agreed for referring the matter for mediation.

2. As both the parties are in relation, the matter is hereby referred to the learned Mediator Advocate Shri S.Y.Deopujari.
3. The parties to appear before learned Mediator on 22/12/2023 at 02.00 p.m..
4. The learned Co-ordinator, High Court Legal Services Sub-Committee, Nagpur to do the needful.
5. List the matter on 08/01/2024 after the mediation is over.
6. The learned counsel for the respondents makes a statement that till then, he will not press for execution.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar