

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

CIVIL APPLICATION NO.900/2018 IN SECOND APPEAL ST. NO.13350/2015

[Bhimrao Patuji Dandge and one .vs. Suresh Sanjabrao Sonone and others]

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

Court's or Judge's orders

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Shri D.M. Upadhye, Advocate for appellants,
Shri A.V. Bhide, Advocate for respondents.

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CORAM : MRS. SWAPNA JOSHI, J.

DATED : FEBRUARY 11, 2019.

This is an application filed by the appellants for condonation of delay in filing the second appeal.

Heard. Perused the application. For the reasons mentioned in the application particularly in para nos.3, 4 and 5, the application needs to be allowed though opposed by the other side. Hence the order.

The delay is hereby condoned subject to costs of Rs.500/- to be deposited with the High Court Bar Association Library, Nagpur within two weeks from today. Civil Application stands disposed of.

Civil Application (CAS) No.901/2018

This is an application filed by the appellants under Order 41 Rule 5 of the Code of Civil Procedure for grant of stay.

Heard. Perused the application.

At the outset, the learned advocate for the respondents submits that the application is for grant of stay i.e. to protect the possession of the appellants, however, the respondents have

already taken the possession of the suit land prior to 10.7.2018 in R.D. No.18/2015 i.e. that was done prior to interim order was passed by this court on 23.7.2018.

On perusal of the application as well as the reply tendered by the respondents, it is noticed that the respondents have stated on affidavit about taking the possession of the suit land.

In view thereof, the application for grant of stay is hereby rejected. The interim stay shall stand vacated. Civil Application stands disposed of.

Second Appeal St. No.13350/2015

The learned advocate for the appellants undertakes to supply the copy of memo of appeal to the other side within a course of the day and seeks further time. At his request, stand over after two weeks.

JUDGE