

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

CIVIL APPLICATION (CAS) NO.808 OF 2018
IN
SECOND APPEAL STAMP NO.13438 OF 2018

(Smt. Maltibai w/o Pruthviraj Thaware Vs. Vijaylaxmi Rice Mill, Lakhandur)

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

Court's or Judge's orders.

Shri A.R. Rishi, Advocate for Appellant.
Shri A.Y. Kapgate, Advocate for Respondent.

CORAM: ROHIT B. DEO, J.
DATE: 4th MAY, 2019.

This application is taken out for condonation of delay of 531 days in preferring the second appeal.

2] The averment is that in March, 2017 the respondent attempted to take possession of the suit property. It is further averred that the applicant contacted her counsel, who obtained the signature of the applicant on the Vakalatnama without disclosing to the applicant the decision in First Appeal. The further averment is that when the respondent – plaintiff again visited the suit property to take possession in February, 2018 and then in April, 2018 the applicant contacted another counsel who told her, after verifying the record, that the execution is pending in which the applicant is duly served on 21.03.2017. It is obvious from the averments that at least in April, 2018 the applicant

was aware that the First Appeal was dismissed.

3] There is absolutely no justification put-forth for the delay except an incredible statement that the previous lawyer is to be blamed.

4] The application is dismissed.

JUDGE

NSN