

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

CIVIL APPLICATION (CAO) NO.870 OF 2017
AND
CIVIL APPLICATION (CAO) NO.871 OF 2017
IN
MISC. CIVIL APPLICATION (MCA) NO.1411 OF 2014
IN
SECOND APPEAL (SA) NO.269 OF 1997.

(Nagpur Housing and Area Development Board, Nagpur Vs. Vasant Vithobaji Kharwade & Ors.)

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

Court's or Judge's orders.

Shri Akshay Sudame, Advocate for the appellant.
Shri N.Vyawahare, Advocate for respondent No.5.

CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 26, 2019.

Heard.

These applications are for condonation of delay in filing application for setting aside abatement and in bringing the legal representatives of respondent No.1 on record.

For the reasons stated in the aforesaid applications and finding them to be satisfactory, the same stand allowed in terms of prayer clauses mentioned therein.

The amendment shall be carried out within 8 weeks' from today.

Learned counsel for the appellant to serve

the amended copy of memo of appeal to the learned counsel for the respective respondents.

Civil Applications accordingly stand disposed of.

CIVIL APPLICATION NO.1621 OF 2014.

This is an application seeking exemption from payment of Rs.10,000/- as costs.

Vide order dated 31/07/2014 passed by this Court, Second Appeal No.269/1997 came to be dismissed in default. It is also ordered that if the application for restoration of the said Second Appeal is made, the same shall not be accepted unless an acknowledgment of payment of costs of Rs.10,000/- to be made by the appellant to the respondent No.1 is produced.

It is stated that the legal representative of respondent No.1 could not be served except through substituted service by way of paper publication.

It is further stated that the appellant – Nagpur Housing and Area Development Board is a statutory body and its funds are drawn from public exchequer and it does not work for any profit or gain but fulfills social objective of housing and thus prayed for allowing the application.

Considering the legal status of the appellant, the order for payment of costs of Rs.10,000/- is recalled.

Civil Application is disposed of.

MISC.CIVIL APPLICATION (MCA) NO.1411 OF 2014.

This is an application seeking restoration of Second Appeal No.269/1997.

In view of order passed above, the instant application is allowed. Second Appeal No.269/1997 stands restored to the file.

The instant Civil Application is disposed of accordingly.

SECOND APPEAL (SA) NO.269 OF 1997.

Issue notice to the respondents, returnable on 02/01/2020.

Shri N.Vyawahare, learned Advocate waives notice for respondent No.5.

JUDGE