

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

CIVIL APPLICATION (CAO) NO.1602 OF 2016
AND
MISC. CIVIL APPLICATION NO.586 OF 2019
AND
CIVIL APPLICATION (CAO) NO.1125 OF 2019
AND
MISC. CIVIL APPLICATION NO.587 OF 2019 (REJ. MCA NO.139/2016)
IN
SECOND APPEAL NO. 158 OF 2001
 (GAYABAI GOVINDRAO NAGARE & OTH...VS.. MADAN VITHOBA MUNDHE & OTH.)

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

Court's or Judge's orders

 Shri S.R.Deshpande, Advocate for Applicants/Appellants.
 Ms Nidhi Singhvi, Adv. H/f. Shri A.S.Kilor, Advocate for Respondent/
 Non-Applicant Nos. 2(i) to 2(iv) and 11(a) to 11(c).

CORAM : Z.A.HAQ, J.
DATED : JUNE 10, 2019.

Shri S.R. Deshpande, learned advocate for the applicants states that the legal representatives of the respondent No.7 are on record and seeks permission to delete the name of the respondent No.7.

Leave to delete name of the respondent No.7 is granted to the applicants/appellants at their risk.

All the non-applicants/ respondents are served.

Accepting the explanation given by the applicants/ appellants, delay of 189 days in filing M.C.A. No. 586 of 2019 is condoned. The conditional order passed by the Registrar on 14th January 2016 is set aside and Rejected Misc. Civil Application No. 139 of 2016 is restored.

The Civil Application and Miscellaneous Civil Application are **allowed** accordingly. No costs.

**CIVIL APPLN.(CAO) NO.1125/2019 &
MISC. CIVIL APPLN. NO.587/2019.**

While passing order on Civil Application No.1602 of 2016 and M.C.A. No. 586 of 2019 it is recorded that all the non-applicants/ respondents are served. The non-applicants/ respondents are aware about pendency of these proceedings.

Accepting the explanation given in the application, delay in filing Misc. Civil Application No.587 of 2019 is condoned. The order passed by this Court on 14th March 2014 is recalled and Second Appeal is restored.

The Civil Application and Miscellaneous Civil Application are **allowed** accordingly. No costs.

SECOND APPEAL NO.158/2001.

Issue notice to the respondents, returnable on **15th November 2019.**

Shri A.S.Kilor, Advocate waives notice for the Respondent Nos.2(i) to 2(iv) and Respondent Nos. 11(a) to 11(c).

JUDGE