

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

CIVIL APPLICATION (CAS) NO.1589 OF 2017

IN

SECOND APPEAL STAMP NO.20272 OF 2017

(Vishwanath Gotuji Jamnekr ..vs.. Shri Chaube and others)

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

Court's or Judge's orders

None for the appellant,
Shri A.P. Kalmegh, Counsel for respondent No.3.

CORAM : ROHIT B. DEO, J.

DATED : 11-03-2019

By order dated 10-1-2019, the appeal is dismissed against respondents 1 and 2.

2. By order dated 12-2-2019, the appellant was granted three weeks time to take appropriate steps for restoration of the appeal. No steps are taken by the appellant.

3. In the absence of respondents 1 and 2 and particularly in the absence of respondent 2, there is no propriety in keeping the appeal pending.

4. The appeal is time barred and Civil Application 1589/2017 is preferred for condonation of delay.

5. However, since the contesting respondent is not a party to the appeal, in view of the dismissal order dated

10-1-2019, and since no steps are taken to restore the appeal as against the said respondent, the application for condonation of delay is rejected.

6. Consequently, Second Appeal Stamp 20272/2017 is rejected.

7. The registry to note that no application in the disposed of appeal be entertained unless an amount of Rs.3,000/- (Rupees Three Thousand) is deposited by the appellant with the High Court Legal Services Sub-Committed, Nagpur.

JUDGE

adgokar