

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

Civil Application No.1389 of 2018
in
Second Appeal St.No.23810 of 2018
(Keshav Wattuji Zamare .vs. Chandu Manikrao Bhosle)

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

Court's or Judge's orders.

Mr. M.V. Rai, Advocate for Appellant.

CORAM : Manish Pitale, J.
DATED : September 26, 2019.

The applicant/appellant is the original plaintiff who is seeking to challenge judgments and orders passed by the two Courts below whereby a suit for specific performance filed by him was dismissed and a direction was given to the respondent (defendant) to refund earnest money. It was claimed by the applicant that he was put in possession of the suit property at the time when agreement was executed in the year 1992.

2. In this application while seeking condonation of delay of 1031 days, it is claimed by the applicant that he was not aware about judgment and order passed by the Appellate Court till the respondent sought to take possession of the suit property from him. It was when the possession was sought to be taken that the applicant took action for filing the accompanying appeal. This is the reason given in the application while seeking condonation of delay. It is claimed that the applicant has been in possession of the suit field for more than 26 years in pursuance of the agreement in

question.

3. Notice was issued in this application on 01.11.2018 and the office note shows that the sole respondent was served on 14.08.2019. When the application is called out for hearing today, none has appeared on behalf of the respondent despite service, to oppose the prayer for condonation of delay made on behalf of the applicant.

4. In view of the above, for the reasons stated in the application, the same is allowed and the delay is condoned.

5. The office is directed to register this second appeal and list the same for hearing on admission on 09.10.2019.

JUDGE

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