

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

CIVIL APPLICATION (CAS) NO.345 OF 2018

IN

SECOND APPEAL STAMP NO.26680 OF 2017

(Rajendra s/o Mahadeorao Tambe @ Tambekar Vs. Subhash s/o Bhagwantrao
Deshmukh)

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

Court's or Judge's orders.

Shri P.R. Agrawal, Advocate for Appellant.
None for Respondent.

CORAM: ROHIT B. DEO, J.

DATE: 13th MARCH, 2019.

Heard.

2] This application is taken out for condonation of delay of 1044 days in preferring the second appeal.

3] None appears on behalf of the respondent. No affidavit-in-reply is filed controverting the averments in the application.

4] The substratum of the justification for delay appears to be that the learned Counsel Shri V.B. Joshi, who was conducting the appeal was appointed as a Judicial Officer. A specific statement is made in paragraph 7 that it was only when the respondent attempted to mutate his name in the revenue record in the month of November, 2017 and notice to that effect was published by the Tahsildar, Chandur Bazar on 08.11.2017 that the applicant came to know that the first appeal is dismissed.

5] It is further stated that the counsel before the first Appellate Court did not inform the applicant that the appeal is allowed against the present applicant. In view of the uncontroverted averments in the application, the delay is condoned. The appeal be registered and listed on the admission board on 20.03.2019.

JUDGE

NSN