

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

CIVIL APPLICATION (CAS) NO. 20 OF 2021

IN

SECOND APPEAL NO. 381 OF 2002 (D)

(Parwatibai wd/o Shamraoji Kale through LR's Vs. Smt. Kaushalybai wd/o Keshavrao
Ganorkar (dead) & ors.)

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

Court's or Judge's orders.

Shri B.N. Mohta, Advocate for the applicants/appellants.
Shri O.W. Gupta, Advocate for respondent No.1.
Shri R.S. Charpe, Advocate for respondent Nos.2 and 3.

CORAM : S.M. MODAK, J.

DATE : 20th SEPTEMBER, 2021.

Heard learned Advocate Shri B.M. Mohta for the appellants and learned Advocate Shri O.W. Gupta for the respondent No.1 and learned Advocate Shri R.S. Charpe for respondent Nos.2 and 3. When the second appeal was pending, the appellants have asked for appointment of Court Receiver as per the provision of Section 94 of the Code of Civil Procedure. This Court has disposed of the second appeal on 29th September, 2020. The First Appellate Court was directed to decide Regular Civil Appeal No. 109 of 1998 afresh.

2. It is submitted that the First Appellate Court has disposed of said appeal in view of the compromise arrived at between the parties. The Court of District Judge-1 vide his report dated 9th August, 2021 has also informed to this Court about disposal of the appeal. By the present application, there was a request to transfer Civil Application (CAS) No.532 of

2017 (for appointment of Court Receiver) before the First Appellate Court. But as now, the appeal is finally disposed of by way of compromise. There is no need to send that application before the First Appellate Court. Hence, the application is disposed of as become infructuous.

3. The appellants are permitted to incorporate Civil Application (CAS) No.532 of 2017 in the prayer clause of the present application by deleting Civil Application (CAS) No.537 of 2017.

JUDGE