

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

**CIVIL APPLICATION (CAS) NO.527/2020**  
**IN**  
**SECOND APPEAL (ST.) NO.12828/2019**

Mohammad Habibur Rahman s/o Abdul Rahman (dead) through LR's Moinur Rahman Shaikh  
s/o Late Habibur Rahman and others.

**-VERSUS-**

Misbahur Rahman s/o Late Sayeedur Rahman (dead) Smt Anjum Banu wd/o Misbahur Rahman  
and others.

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

Court's or Judge's Orders

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**CORAM : S.M. MODAK, J.**  
**DATE : JULY 28, 2021.**

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Though respondent nos. 1-a to 1-c, 2, 3 and 5 served, they have not appeared. Respondent no.4 is unserved.

3. There is delay of six days in preferring the second appeal. The reasons have been given in paragraph nos.4 and 5 of the application. They are convincing. Hence, the delay of six days is condoned.

4. The Civil Application is allowed and disposed of.

**SECOND APPEAL (ST.) NO.12828/2019**

Already notices are issued on the condonation of delay application and respondent nos.1-a to 1-c, 2, 3 and 5 are served. But they have not appeared. Today, the condonation of delay application is allowed.

2. Issue notice before admission to respondent no.4, returnable on **13/08/2021**.

3. If subsequently Court finds that fresh notices are required for other respondents, necessary order will be passed.

**JUDGE**

R.S. Sahare