

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

C.A.F. NO. 1009/2020 IN FIRST APPEAL ST. NO. 69/2020

(M/S BHAIJI INFRA PROJECTS PVT. LTD. & ANOTHER **VERSUS** MANOJ SHANKARLAL MANTRI &
OTHERS)

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

Court's or Judge's order

Shri A.J. Mirza and Shri M. Shareef, counsel for the applicants.
Shri R.M. Bhangde, counsel for the non-applicant no.1.
Shri A.A. Gharote, counsel for the applicants in C.A.F. No.2585/2021.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : FEBRUARY 28, 2022.

The names of Shri A.J. Mirza and Shri M. Shareef be shown as counsel for the appellants since they have filed their Vakalatnama.

At the outset it is submitted by the learned counsel for the non-applicant no.1-defendant no.1 that the trial Court has not passed any decree against the unserved respondents. Similarly, no relief in the first appeal has been sought against those defendants as the trial Court has passed a decree for refund of earnest amount.

Considering the reasons mentioned in the application which are found to be acceptable, the delay of twenty days in filing the appeal is condoned. The first appeal be accordingly registered. The civil application is allowed and disposed of.

C.A.F. NO. 2585/2021.

By this application, the applicants who are the legal heirs of deceased respondent no.2 seek permission to be brought on record. It is stated that some of the legal heirs are already on record as respondent nos.3 and 4.

Considering the statements made in the application, the same is allowed. The legal heirs of the respondent no.2 are permitted to be brought on record. The appellants are permitted to amend the cause title of the appeal within a period of one week. The civil application is disposed of.

FA. ST. NO.69/2020.

Heard. **ADMIT.**

Shri R.M. Bhangde, learned counsel waives notice of hearing for the respondent no.1.

Shri A.A. Gharote learned counsel waives notice of hearing for the legal heirs of the respondent no.2 as well as respondent nos. 3 to 5.

In the meanwhile, call for Record & Proceedings.

(SMT. M.S. JAWALKAR, J.)

(A. S. CHANDURKAR, J.)

APTE