

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

CIVIL APPLICATION (CAO) NO. 244 OF 2022
IN
CIVIL APPLICATION NO. 11 OF 2020
IN
APPEAL AGAINST ORDER NO. 52 OF 2015 (D)

Sarangdhar Vitthal Wadhe

..vs..

Shamrao Govinda Wadhe (deceased)
Anjanabai Shamrao Wadhe and ors.

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

Court's or Judge's orders

Shri A.V. Bhide, Advocate for the respondents.

CORAM : M.S. KARNIK, J.
DATED : 02/05/2022.

This is an application for speaking to minutes of the order dated 06.11.2020 passed by this Court.

2. The Appeal Against Order was disposed of by this Court on 20.12.2019. It was later realized that the sole respondent had already expired on 06.08.2019. The said fact could not be brought on the record. Accordingly, as it is the contention that the Appeal Against Order needs to be reheard, the legal heirs of sole respondent filed Civil Application No. 11 of 2020 for rehearing the Appeal Against Order.

3. By the judgment and order dated 06.11.2020 the Appeal Against Order is disposed of and the matter was remitted to the Appellate Court to decide the appeal afresh.

4. Notices came to be issued on Civil Application 11 of 2020. In the meantime, as the time period during which the First Appellate Court was to decide the appeal pursuant the remand by this Court had expired, the District Judge-1,

Khamgaon by his letter dated 28.07.2020 requested for an extension. The extension was granted. However, while granting the extension of one year for disposing of Regular Civil Appeal No.78 of 2008, this Court observed in paragraph 5 that 'Application is disposed of'. This obviously was inadvertent typographical error.

5. Accordingly, the order dated 06.11.2020 is corrected to the extent that paragraph no. 5 would now stand deleted from the order. The consequence is that the Civil Application No. 11 of 2020 will be heard on its own merits. and accordingly, stands restored to file.

CIVIL APPLICATION NO. 11 OF 2020

There was an inadvertent mistake in the order dated 06.11.2020 which is corrected today.

2. Issue fresh notice to the appellant, returnable after six weeks.

3. This Court by order dated 06.11.2020 had extended the time to decide the Regular Civil Appeal No. 78 of 2008 within a period of one year from 06.11.2020, which period has expired.

4. Learned Counsel for the appellant submitted that the Appellate Court is proceeding with the hearing of the appeal and has granted a last chance to obtain appropriate orders from this Court..

5. Considering the overall facts and circumstances, I am of the opinion that the time to decide the Regular Civil Appeal No. 78 of 2008 will have to be extended by a further period of six months from today.

6. In the meantime, till the next date, no final orders be passed in Regular Civil Appeal No. 78 of 2008.

JUDGE

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