

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

CIVIL APPLICATION (CAS) NO.238/2022

IN
SECOND APPEAL NO.360/2014

Bapurao Janba Shende (dead)

Vs.

Naib Tahsildar, Sindhi (Railway) Tah. Seloo, District Wardha and others

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

Court's or Judge's orders

Shri N.R. Patil, AGP for respondent Nos.1 & 5
Shri S.A. Radke, Advocate for respondent No.6

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 28/06/2022

The present application is filed by the legal representatives of respondent No.6 for vacating stay.

2. From the record, it appears that this Court vide order dated 04/05/2022 made clear that application for vacation of stay shall be taken up for consideration on next date.

3. On 14/06/2022, this Court passed an order that learned Advocate Shri Ghare has filed counsel note along with the copy of letter intimating to the applicants that he is withdrawing power. It is also mentioned in the counsel note that the applicants have taken back the papers. Accordingly learned Advocate Shri Ghare was discharged. As the learned Advocate Shri Ghare has already informed to the appellant about withdrawal of power and in view of fact that brief is returned to appellant, fresh notices

were not issued. With an intention to grant opportunity to the applicants to make some alternate arrangement, the matter was further adjourned.

4. However, today also no one turn out for applicants. There was an interim relief granted on 20/04/2014 in favour of appellant. Thereafter, Second Appeal was dismissed in default and subsequently was restored on 16/01/2018 and status-quo was granted.

5. In view of this factual aspect, the appellant has not taken care to appear or engage another Counsel and unnecessary prolonging the matter.

ORDER

i) An application for vacating stay needs to be passed. Accordingly the application is allowed.

ii) The order dated 16/01/2018 granting status-quo is hereby vacated.

6. The Civil Application is disposed of.

JUDGE

R.S. Sahare