

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

CIVIL APPLICATION (CAS) NO.917/2018

IN

SECOND APPEAL ST. NO.10754/2018

Geeta w/o Kashinath Saundadkar and another

...Versus...

Fakira s/o Sampat Gaikwad and others

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

Court's or Judge's orders

Shri N.B. Kalwaghe, Advocate for applicants

CORAM : AVINASH G. GHAROTE, J.

DATE : 27/09/2022

1. The application under Section 5 of the Limitation Act itself indicates that the respondent no.4 is dead. Learned counsel appearing for the applicants submits that the respondent no.2 is already on record as a legal heir of the deceased respondent no.4, considering which, no steps are to be taken.
2. Statement is accepted at the risk and consequences of the applicants.
3. All other respondents are served but none appears on their behalf. The application seeks condonation of delay of

273 days caused in filing the second appeal. In view of what has been held by the Hon'ble Apex Court in ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others (2013) 12 SCC 649***, the delay is condoned, subject to costs of Rs.5,000/- to be deposited with the High Court Legal Services Sub-Committee, Nagpur, as a condition precedent by 03/10/2022. Upon the cost being so deposited to the satisfaction of the Registry, the appeal be registered and listed for admission on 06/10/2022.

4. The civil application is allowed and disposed of accordingly.

(AVINASH G. GHAROTE, J.)

Wadkar