

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

Civil Application (CAS) No.548/2022

IN

Second Appeal Stamp No.1365/2020

Smt. Kalawati wd/o Ghusaramji Gaygaye & Ors.

..Versus..

Smt. Narmada w/o Sukhram Lilhare & Ors.

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

Court's or Judge's Orders

Shri A.R. Agrawal, Advocate for the Applicants.

Shri Gaurav Singh Sengar, Advocate for Non-applicant Nos.2 to 5.

CORAM : S.M. MODAK, J.

DATE : 6th JUNE, 2022.

1. Even though the applicants have applied for the certified copy of the judgment and decree before the first Appellate Court, yet it is not received. At present, filing of certified copy of the judgment and decree is dispensed with. Once received, the applicants can file it.

2. The civil application is disposed of.

Civil Application (CAS) No.750/2021

1. Heard.

2. There is a delay of 313 days in preferring the second appeal. Respondent Nos.2 to 5 are represented by learned Advocate Shri Gaurav Singh Sengar. Though served respondent

No.1 has not put in appearance.

3. The first Appellate Court delivered the judgment on 10th December, 2018. Appellant No.3 is working in Border Security Force (BSF) and at present he is posted in Assam. Whereas at material time, appellant No.1 was ill and she had gone to Ahmedabad from January, 2019 to April 2019 and she was assisted by her son-appellant No.2.

4. For all these reasons, the appeal could not be preferred in time. It is opposed on behalf of respondent Nos.2 to 5. Though the reasons are convincing, cost needs to be imposed. Hence, the order:

O R D E R

- i. The delay of 313 days caused in preferring the second appeal is condoned subject to payment of cost of Rs.1,000/- (one thousand only) to be paid to respondent Nos.2 to 5 within a period of two weeks from today. Subject to that, the appeal be registered.

5. The civil application is disposed of.

JUDGE