

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

**Civil application (CAO) No.763 of 2021
In Misc. Civil Application st No.3383 of 2021
In
Second Appeal No.194 of 2015 (D)**

UKANDA S/O LALSING CHAVHAN (DEAD) THROUGH LRS. SMT. BEBYBAI UKANDA
CHAVHAN AND OTHERS VS ISHWAR S/O BABULAL ROY

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

Court's or Judge's Order

Shri Ajay Shende, Advocate for the Applicant(s)/Appellant(s)
Shri Kakde, Advocate for the non-applicant.

CORAM : ANIL S. KILOR, J.
DATED : 13.01.2023

1. This is an application for condonation of delay of 814 days in bringing the legal heirs of appellant on record.
2. The applicants want to bring the legal heirs of the appellant on record to contest the application for restoration of the second appeal which was dismissed vide order dated 11.01.2017.
3. After going through the order dated 11.01.2017, it is evident that the second appeal was dismissed on merit and it was not dismissed for want of prosecution.

4. In that view of the matter, the only remedy left with the applicants is to file Special Leave Petition (SLP) against the same or to file a review petition. However, in any case, the application for restoration is not maintainable and as the present application is for condonation of delay to file an application for bringing legal heirs on record so as to enable the applicants to pursue the application for restoration of the second appeal, I do not find any reason to condone the delay. Accordingly, the application is **rejected**.

5. In view of above, all the pending applications shall stand **rejected**.

[ANIL S. KILOR, J.]