



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

CIVIL APPLICATION (CAS) NO. 29/2022
IN
SECOND APPEAL STAMP NO. 2005/2021

Shankarlal Mangallal Jaiswal and others

Vs.

Rajendra Shivnarayan Jaiswal 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 A.M. Kukday, Advocate for appellants
Shri P.K. Mohta, Advocate for respondent No.1
Shri V.R. Deshpande, Advocate for respondent No.3
Shri H. Dhumale, Advocate for respondent Nos. 13 and 14

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 05/12/2023

Heard.

2. Present application is filed for condonation of delay in filing second appeal. Appeal is dismissed against respondent Nos. 5 and 6.

3. Learned Counsel Shri P.K. Mohta appears for respondent No.1.

4. Learned Counsel Shri V.R. Deshpande appears for respondent No.3.

5. Learned Counsel Shri Dhumale appears for respondent Nos. 13 and 14.

6. In view of extension granted by Hon'ble Apex Court in period of limitation, as such, there is no delay in filing second appeal.

7. The application is opposed by respondents.

8. For the reasons stated in paragraph Nos. 4 and 5, I am satisfied that there is sufficient and justifiable reason for causing delay in filing second appeal. As such, application is allowed.

9. Delay in filing second appeal is hereby condoned.

10. Application stands disposed of.

PURSIS STAMP NO. 2/2023

Pursis Stamp No. 2/2023, is taken on record.

2. It is informed that appellant No.1 – Shankarlal Mangallal Jaiswal, is expired on 20/10/2022 and his legal representatives are already on record. As such, permission is granted to delete the name of appellant No.1.

3. Necessary amendment to be carried out within two weeks.

CIVIL APPLICATION (CAS) NO. 1499/2023

Present application is filed for deletion of name of respondent Nos. 5 and 6. It is submitted they are not necessary parties. In view thereof, application is allowed.

2. Appellant is permitted to delete the name of respondent Nos. 5 and 6 at his own risk and consequences.

3. Application stands disposed of.

CIVIL APPLICATION (CAS) NO. 30/2022

Issue notice to the respondents, returnable within three weeks.

2. Learned Counsel for respondent No.1 seeks time to file reply.

3. Learned Counsel for respondent No.1 upon instructions makes a statement that he will not press for execution till next date.

(SMT. M.S. JAWALKAR, J.)