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931 sa 680.13

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 SECOND APPEAL NO. 680 OF 2013

**SHAHAJI GOVARDHAN SHELKE AND OTHERS
VERSUS
BABRUWAN VITHAL SHELKE**

.....
Advocate for Respondents : Mrs M.A. Kulkarni
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 02.05.2024**

PC.:-

1. None appeared on behalf of the appellants. On perusal of record it appears that on 08.05.2013 the present appeal was instituted challenging the judgment and decree dated 11.02.2013 passed by the District Judge-1, Osmanabad in RCA No.347/2012 arising out of judgment and decree dated 19.10.2012 passed by the learned C.J.J.D., Kalamb in RCS No.663/2006. On 11.10.2013, for the first time the matter was listed under the caption 'Admission', however, on that day the counsel for the respondent-caveator sought time on the ground that the counsel for the appellant has not supplied the copy of memo of appeal and stay application. Thereafter, on 10.01.2024 the matter was listed but it was adjourned on the request of the counsel for the appellant. Again on 26.03.2024 the present matter was listed and on that day the following order was passed:

“1. Mr. Akash Jaju h/f. Tripathi Manish on behalf of the appellants seeks accommodation. The other side has no objection. As per office note, the appellants to furnish the copies of pleadings, oral evidence and documents which are part of the lower Court record.

2. Such compliance should be made within a period of four weeks. Stand over to 23.04.2024.”

2. The office note shows that as per practice note dated 01.07.2021 the counsel for the appellants has not tendered true copies of pleadings, oral evidence and documents forming part of the record of the lower Courts. Though, this Court granted ample opportunities for compliance of office note but till date it has not been complied with. However, in the interest of justice four weeks time is granted as a last to last chance for compliance of office note, failing which the appeal shall stand dismissed without reference to the Court. If office note is complied with, place the matter for hearing on 03.07.2024.

[Y.G. KHOBRAGADE, J.]