

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7924 OF 2024.

IN
RC NO.2468 OF 2019
(E-filing)

Bhimrao Dattu Jadhav

...Applicant.

Versus

Kerubhai Vasant Chougule & Ors.

...Respondents.

Mr. Umesh Pawar for the applicant.

Coram : Sharmila U. Deshmukh, J.

Date : 22nd April 2024.

P. C. :

1. Heard.
2. Interim Application has been preferred seeking to recall the conditional order dated 14th October 2019 passed by the Registrar Judicial- II dismissing the Second Appeal for non removal of office objections and for condonation of delay of 1526 days caused in filing the Interim Application.

3. Learned counsel for the applicant submits that after the Second Appeal was filed there were talks of settlement going on between the parties and in order not to precipitate the matter , the present Second Appeal was not diligently pursued. He submits that respondent No.3 had also filed Second Appeal, which was withdrawn and subsequently one of the defendants filed execution proceedings.

4. As there is delay of 1526 days in filing the present Interim Application and considering that execution proceedings are filed by one of the defendants, the probability cannot be ruled out that after confirming the case status before this Court the execution Application could have been filed. It is therefore necessary to issue notice to the respondents before recalling the order and condoning the delay of 1526 days.

5. Issue notice to the respondents returnable on **15th July 2024**. In addition to Court notice, applicant to serve the respondents by private notice and file affidavit of service before next date.

[Sharmila U. Deshmukh, J.]