



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

CIVIL APPLICATION (CAO) NO. 155 OF 2024
IN
MISC. CIVIL APPLICATION (ST.) NO. 1793 OF 2024 (REVIEW)
IN
SECOND APPEAL NO. 431 OF 2023 (D)

SMT. TARABAI WD/O. MANNULAL HASORE (HASORIYA) (DEAD) 1A) SHRI SHYAM S/O. MOHANLAL HASORE
(HASORIYA) AND ORS.

...VERSUS...

SHRI SANJIVKUMAR PRASAD, PROPRIETOR OF SARASWATI BUILDERS AND ANR.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.S.Sitani, Advocate for applicants (original respondents).

Shri Rajesh Nagpure, Advocate for respondent nos. 1 and 2 (original appellants).

CORAM : **SMT. M. S. JAWALKAR,J.**

DATE : **01st MARCH, 2024**

The present application is filed for condonation of delay of
11 days in filing review application.

2. The application is opposed by the learned counsel for the
respondents, however, for the reasons stated in the application, the
application is allowed. Delay of 11 days in filing review application is
hereby condoned.

3. Registry is directed to register review application i.e.
MCA(St.) No. 1793/2024.

4. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 1793 OF 2024.

Heard both the parties.

2. It appears that, inadvertently, the substantial question of law was not formulated in the matter. However, it appears that, both the parties were granted hearing. Still in the absence of any substantial question of law, it would be appropriate to allow the present application for review of the judgment dated 13/12/2023. As such, the review application is allowed.

3. Registry is directed to restore the Second Appeal on its original number.

4. Accordingly, the application stands disposed of.

SECOND APPEAL NO. 431 OF 2023

Call R & P.

2. List the matter for final hearing, on the following substantial question of law:-

“Whether the discretion exercised by the Court rejecting the delay application is proper ?”

3. It appears from the documents placed on record along with the reply to the application for grant of stay that, in pursuance to execution order, on 29/02/2020, plot no. 5 along with structure thereon was handed over to the respondents. Though it is contended by the appellants that, the total property was not handed over, in my considered opinion and from the documents, it is clear that the suit property is already handed over to the respondents. However, the learned counsel for the respondents - Smt. Tarabai Wd/o. Mannulal Hasore (Hasoriya) (Dead) through legal Heirs, on

instructions, makes a statement that, there will not be any demolition of the suit property until further orders. His statement is accepted as the statement to the Court.

4. List the matter on 15/03/2024.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar