



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

CIVIL APPLICATION (CAO) NO.448 OF 2024 IN
MCA ST. NO.5738 OF 2024 IN
SECOND APPEAL ST. NO.12127 OF 2022 (R)

Smt. Kalpana Wd/o Ramchandra Tekade .Vs. Smt. Surekha Wd/o Ramchandra
Tekade

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

Court's or Judge's Order

Shri G.D. Asole, Advocate for appellant.

Ms Kiran R. Dhole, Advocate for respondent.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 23/08/2024

1. This is an application for condonation of delay of 531 days caused for filing application for restoration of second appeal which was dismissed for non-compliance of office objections.
2. Heard learned advocates for both side.
3. Perused the application.
4. The learned advocate for the appellant submits that, the appellant is poor therefore, she could not submit the Court fee within stipulated time. He submits that, the appellant is ready to pay the Court fee.
5. The learned advocate for the respondent strongly objected the application.
6. Considering the reasons stated in the application, the delay is not deliberately caused therefore, the application deserves to be allowed in the interest of justice.

7. The application is **allowed** as prayed for subject to paying Court fees within **a week**.

8. Civil application is **disposed of**.

MCA ST. NO.5738 OF 2024

1. This is an application for restoration of appeal which was dismissed for non paying of Court fee as per the directions of this Court.

2. Heard learned advocates for both side.

3. Perused the application.

4. For the reasons stated in the application, the application deserves to be allowed in the interest of justice.

5. The application is allowed subject to pay Court fee within a week. If the Court fee is not paid within a week, the appeal shall stand dismiss without further order.

6. Civil application is **disposed of**.

SECOND APPEAL ST. 12127 OF 2022

1. Issue notice to the respondent, returnable after **four weeks**.

2. Ms Dhole, learned advocate waives service of notice for the respondent.

3. Call record and proceedings.

CIVIL APPLICATION ST. (CAS) NO.12130 OF 2022

1. Issue notice to the respondent, returnable after **four weeks**.

2. Ms Dhole, learned advocate waives service of notice for the respondent.

3. This is an application for grant of stay to the execution of impugned judgment and decree of the trial Court.

4. Heard learned advocates for both side.

5. Considering peculiar set of facts, it would be proper to grant *ad-interim* stay to the execution of the impugned judgment decree of the trial Court. Meanwhile, there shall be *ad-interim* stay to the execution of impugned judgment and decree of the trial Court till filing of the appeal.

CIVIL APPLICATION ST. (CAS) NO.12131 OF 2022

1. Issue notice to the respondent, returnable after **four weeks**.

2. Ms Dhole, learned advocate waives service of notice for the respondent.

3. Heard learned advocates for both sides.

4. Perused the application.

5. Considering the reasons stated in the application, the delay of 8 days caused for filing appeal is condoned in the interest of justice. The application is **allowed and disposed of**.

CIVIL APPLICATION (CAS) St. NO. 12132 of 2022

1. The learned advocate for the appellant submits that, certified copy of the judgment and decree is filed on record.

2. The application is **disposed of**.

(SANJAY A. DESHMUKH, J.)