



-227-2024

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

MISC. CIVIL APPLICATION NO. 227 OF 2024
IN SECOND APPEAL NO. 78 OF 2005

(Chandrabhan s/o Shrawan Balpande (since dead) through LRs Vs. Jagorao Bajirao Balpande & Anr.)

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

Court's or Judge's orders.

Shri H.M. Bobade, Counsel for the applicants/appellants.

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CORAM : ANIL L. PANSARE, J.
MARCH 11, 2024.

The applicants are seeking restoration of appeal. The learned Counsel submits that he will attend the matter diligently.

2] On the basis of assurance given and for the reasons set out in the application, the same is allowed. Second Appeal No. 78/2005 is restored on file.

SECOND APPEAL NO. 78/2005

3] The learned Counsel for the appellants submits that execution proceedings are pending before the Civil Judge, Junior Division, Narkhed and steps are likely to be taken tomorrow. He made a request to stay the execution proceedings. He was given option to argue the appeal today itself to which he said that he is not prepared.

4] The appeal is of the year 2005. Perusal of order dated 28/11/2023, by which the appeal came to be dismissed, would reveal that despite giving opportunities, none appeared for the appellants.

5] Thus, the appellants are not diligent in prosecuting their own cause. Today also, the learned Counsel is not prepared.

6] In the circumstances, I feel it not appropriate to stay the execution proceedings.

7] At the request of the learned Counsel for the appellants, stand over to 26/3/2024 with a clear understanding that no more adjournment will be granted.

8] Copy of this order be served upon the learned trial Court.

(ANIL L. PANSARE, J.)

Sumit