

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
CIVIL APPLICATION (CAS) NO. 622 OF 2024 IN
SECOND APPEAL NO. 350 OF 2017

Nirmala W/o Kishor Badnavre Vs. Smt. Jayabai W/o Namdeorao Niwalkar (Dead) through L.Rs. Sau.
 Kusumkbai W/o Sheshrao Wandhare (Dead) through L.Rs.

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

Court's or Judge's orders

 Shri D.T. Shinde, Advocate for the appellant

CORAM : SMT M.S. JAWALKAR, J.

DATE : 08/01/2025

The present application is filed for grant of early hearing by fixed date. It is submitted that matter was admitted on 15/09/2017. There was restraint order from creating third party right in the suit property. It is further submitted that respondents/defendants even failed to refund the earnest amount of Rs.2,50,000/-, as per judgment and decree within a period of six months and failure to which, 8% interest was directed to be paid. However, till this date, this order has not been complied with. As such, it is prayed to hear the matter finally by fixed date. Considering the reasons stated in the application as well as the fact that second appeal pertains to year 2017, it is more than five years old, I do not see any impediment in allowing the application. The application is allowed.

2. List the matter for final hearing on 12/02/2025.
3. Application stands disposed of.

(SMT M.S. JAWALKAR, J.)