



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

CIVIL APPLICATION (CAS) NO. 301 OF 2026

IN

SECOND APPEAL ST. NO. 24574 OF 2025

VANDANA SUDHAKAR SAHARE

Vrs.

RAJESH PANDHARI CHOUDHARI, SINCE DECEASED THROUGH LEGAL HEIRS AND
OTHERS

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

Court's or Judge's Order

Ms. Sunita Paul, Advocate for applicant/appellant.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 28/04/2026.

1. Heard Ms. Sunita Paul, learned counsel appearing for the applicant at length.
2. Despite service, none appeared on behalf of the non-applicants.
3. By the present application under Section 5 of the Limitation Act, 1963, the applicant is seeking condonation of delay of 151 days caused while lodging the appeal against the judgment and decree dated 11/02/2025 passed in RCA No.34/2021 by the learned First Appellate Court arising out of the judgment and decree dated 23/10/2018 passed in RCS No.340/2013 by the learned 5th Joint Civil Judge, Junior Division, Nagpur and thereby, decreed the suit of respondent, declaring that the present appellant / original defendant is encroacher on the suit property i.e. Plot No.133 at Mouza Lashkari

Baug, Gondpura, Nagpur and restrained from entering and disturbing the peaceful possession of the respondents / original plaintiffs over the suit property.

4. Considering the grounds set out in the application, delay of 151 days caused while lodging the appeal needs to be condoned with a view that the litigants should not be deprived of receiving the substantial justice on the technical ground and as such, application has not been opposed.

5. Accordingly, delay of 151 days caused while lodging the appeal is hereby condoned.

6. Accordingly, Civil Application (CAS) No.301/2026 stands disposed of.

7. Office to register the second appeal and place before the Court on **15/06/2026**.

[JUDGE]