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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 1 OF 2023**

Niyojit Vinoba Bhave Smruti ... Appellant

Sahakari Grahnirman Sanstha

Solapur through Chief Promoter M. D. Shaikh

Vs.

Rukminibai Nagnath ... Respondents

Shahpurkar (Decd through LRs)

Sumanbai Tukaram Shahpurkar and Others

Mr. Ajit Hon i/b. PNP & Associate for the Appellant.

Mr. Shrishail Sakharr for Respondent No. 7.

Mr. Yuvraj Narvankar for Respondent No. 4.

CORAM : GAURI GODSE, J.

DATE : 22nd AUGUST 2024

P.C.

1. Pursuant to order dated 1st August 2024, the concerned Section Officer has submitted a report dated 16th August 2024. The report states that in view of order dated 11th June 2024 passed in Interim Application No.2307 of 2024, the Second appeal was added to the final hearing board in the category of Senior Citizens in compliance of clause (3) of the order.

2. The report further states that the Second Appeal is added to the final hearing board in the category of Senior Citizens “assuming” that hearing of the Second Appeal is urgent as it is Senior Citizens matter. The order dated 11th June 2024 allows interim application for fixing early date of hearing by specifically stating that it is not possible to assign fixed date for final hearing. However, office was directed to add the Second Appeal to the final hearing board in the category of Senior Citizens. There was neither any direction issued to add the Second Appeal immediately to the final hearing board, nor there was any direction issued that the Second Appeal should be added to the final hearing board even if it is not ready. Hence, the explanation given by the concerned Section Officer and the Assistant Registrar of the Second Appeal Branch is not acceptable.
3. The Second Appeal is therefore removed from board with liberty to the appellant to take appropriate steps.
4. Copy of the order be forwarded the learned Registrar (Judicial I) for information.