

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9425 OF 2014
WITH
CIVIL APPLICATION NO. 720 OF 2015

Sheetal Shamrao Todkar .. Petitioner
VS.
Tukaram Sitaram Kamble & Ors. .. Respondents

Ms Puja Mane i/b. Mr. Vikas Kolekar for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 05 MAY 2015

P.C. :-

1] This petition impugns order dated 2 May 2014 by which the Principal District Judge, Sangli, dismissed the petitioner's application for condonation of delay in preferring an appeal against judgment and order dated 11 October 2005 in Regular Civil Suit No. 50 of 1993.

2] The Supreme Court in the case of *Shyam Sundar Sarma Vs. Pannalal Jaiswal and Ors.*¹, has held that an application declining to condone the delay in institution of an appeal, is also an order made in the appeal itself. Accordingly, writ petition would not be an appropriate remedy.

¹ (2005) 1 SCC 436

3] However, in case, the petitioner prefers a second appeal within a period of six weeks from today, then the petitioner may be entitled to contend that the period during which the present petition was pending, was period spent bonafide. With the aforesaid observations, this petition is disposed of.

4] In view of the disposal of the writ petition, civil application does not survive and is disposed of accordingly.

5] All concerned to act on basis of an authenticated copy of this order.

(M. S. SONAK, J.)

Chandka