

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAF NO. 1464/2015 IN FIRST APPEAL ST. NO. 4519 OF 2015

(Shri Nareshchandra s/o Chunnilal Puglia vs. Basantkumar s/o Girdharlalji Mohta & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
AUGUST 25, 2015.**

Shri Kilor, learned counsel for the applicant/
appellant, Shri Pardhy, learned counsel for respondent
No. 1 and Shri E.S. Sahastrabuddhe with Shri H.V.
Thakur, learned counsel for respondent No. 4.

The prayer of the appellant / original
plaintiff is to condone delay of 55 days in preferring
First Appeal under Section 96 of the Code of Civil
Procedure.

Shri E.S. Sahastrabuddhe with Shri H.V.
Thakur, is seeking time to file reply to the prayer for
condonation of delay.

The learned counsel for the applicant and
respondent No. 1 state that the very same judgment
and decree has been questioned by Respondent No. 4 in
First Appeal No. 575 of 2015. That appeal was also
filed belatedly and on 18.06.2015 this Court while
passing orders on CAF No. 369 of 2015 condoned that
delay and FA St. No. 2058 of 2015 was directed to be
registered. Thereafter by the very same order, FA
Stamp No. 2058 of 2015 came to be admitted for final
hearing and it has been later on registered as First
Appeal No. 575 of 2015. These developments are not
disputed by Respondent No. 4.

The present application and appeal was already filed on 04.03.2015 and, therefore, it could have been considered on 18.06.2015. In any case, after admission of First Appeal No. 575 of 2015, the present applicant could have again filed appeal.

In this view of the matter, as the present application is already filed about three months before the said order, we condone the delay. Office to register First Appeal Stamp No. 4519 of 2015.

First Appeal Stamp No. 4519 of 2015

Admit.

To be heard along with First Appeal No. 575 of 2015.

Shri Pardhy, learned counsel waives notice for respondent No. 1 and Shri Sahastrabuddhe, learned counsel waives notice for respondent No. 4.

JUDGE

JUDGE

*GS.