

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

SA No. 292 of 2015

Rekha v. Santram

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

Court's or Judge's Orders

Mr V. B. Bhise, Adv for appellant

Mr S. D. Chopde, Adv for respondent

CORAM : A.P.BHANGALE, J.

DATE : 21.7.2015.

1. Grievance of the appellant is that 1st appellate court rejected an application for condonation of delay. In the result, appellant has lost opportunity to contest Regular Civil Appeal on merit arising from judgment and order passed in Regular Civil Suit No. 85 of 2000 which was decided on 26.8.2013. Learned counsel for the appellant prays for delay to be condoned for enabling appellant for hearing on merit.

2. The prayer is strongly opposed on the ground that 1st appellate court by well-reasoned order, refused to condone delay of more than 400 days.

3. Considering that the decree which was passed by the trial Court was in respect of delivery of possession of residential house, I think the appellant must get opportunity in appeal as trial Court had not only passed the decree for possession, but also for mesne profits. Thus, in order to give an opportunity to appellant to contest 1st appeal on merit and in the interest of justice, I am inclined to condone

delay caused in filing Regular Civil Appeal subject to payment of costs of Rs. 5000/- payable to the respondent within a period of one month failing which, it shall be treated that application for condonation of delay is dismissed. Appeal stands disposed of accordingly.

JUDGE

joshi