

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

WRIT PETITION NO. 3388 OF 2015

Sindhu Yashwant Nikhure Vs. Laxmibai @ Meena Ramesh Madeshwar & Ano.

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

Court's or Judge's Order

Shri N. R. Bhishikar Adv for petitioner.
Smt Kirti Satpute Adv for respondent no. 1.

CORAM: A.S.CHANDURKAR J.

DATED: 02nd DECEMBER, 2015.

As the order impugned refuses to condone delay in filing appeal under Section 96 of the Code of Civil Procedure the remedy of filing appeal under Section 100 of the Code of Civil Procedure is available. The objection in that regard raised by the learned counsel for respondent no.1 by relying upon the decision in *Shyam Sunder Sarma Vs. Pannalal Jaiswal and others 2005(1) Maharashtra Law Journal 340*, is upheld. Accordingly writ petition is permitted to be withdrawn with liberty to file Second Appeal in accordance with law. Points raised in the petition are kept open. Writ petition is disposed of.

JUDGE