

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

WRIT PETITION NO.735 OF 2014

Vinayak s/o Aatmaram Yekonkar

-vs-

Nani w/o Janardhan Urkunde & Ors.

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

Court's or Judge's Orders.

Shri N. G. Solao, Advocate for petitioner.

Shri M. P. Karia, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.

DATE : JUNE 09, 2015

In the present writ petition, the order refusing to condone delay in filing appeal under Section 96 of the Code of Civil Procedure is under challenge. However, in view of the decision of the Supreme Court in *Shyam Sunder Sarma, v. Pannalal Jaiswal and others, AIR 2005 Supreme Court 226*, said order is required to be challenged by filing appeal under Section 100 of the Code of Civil Procedure. Hence the writ petition is not entertained. It is open for the petitioner to file appropriate proceedings for setting aside order dated 05/07/2013 that was challenged in the present writ petition. Petition is disposed of. No order as to costs.

JUDGE