

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 509 of 2017
IN
Second Appeal St. No. 3232 of 2017
[Devidas Maroti Kaware Vs. Deepak Marotrao Boinwar]

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

Court's or Judge's orders

Mr. Rohit Joshi, Adv., for the applicant.
Mr. P.K. Mishra, Adv., for respondent.

CORAM : A. S. CHANDURKAR, J.

DATE : 11th September, 2017

Prayer is to condone delay in filing the appeal. The reasons for the delay are mentioned in para 2 of the application. The application is supported by a Medical Certificate issued by the concerned Medical Practitioner.

The application is opposed by learned counsel for the respondent on the ground that no steps were taken by the appellant prior to expiry of the period of limitation for filing the appeal. It is submitted that on the day when the limitation was to expire, it has been stated that the appellant fell ill. This cannot be believed.

Considering the reasons mentioned which are

supported by affidavit of the Medical Practitioner, I do not find that the delay has been deliberately caused. Hence, accepting the reasons mentioned, the delay stands condoned.

Civil Application is allowed and disposed of.

Judge

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