

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No. 410 of 2017
IN
Cross-objection St. No. 22901 of 2016
IN
Second Appeal No. 183 of 2016
[Wamanrao Govindrao Kherde Vs. Ratnakar Yashwantrao Aher & another]

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

Court's or Judge's orders

Mr. Parag Kadu, Adv., for the applicant.
Mr. K. N. Dadhe, Adv., for appellants in Second Appeal.

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CORAM : A. S. CHANDURKAR, J.

DATE : 29th August, 2017

By this application, it is prayed that the delay in filing the Cross-objection be condoned.

In the application it is stated that after the appeal was admitted, the respondents received notice of the appeal on 12th July, 2016. The Cross-objection was thereafter filed on 27th October, 2016. It is further stated that on account of old age, the cross-objector could not take immediate steps. A Medical Certificate in that respect is also filed on record.

The application is opposed by the appellants by filing reply. It is stated that as the application for

condonation of delay has been filed on 14th February, 2017, the period of delay is much larger than as stated in the application. It is further stated that as the cross-objector has raised substantial questions which are now not necessary for being raised, the Cross-objection does not deserve to be entertained.

Considering reasons mentioned in the application, I am satisfied that the delay has been properly explained. Merely because the application is filed subsequently, that period cannot be treated as the period of delay. Grounds raised in the Cross-objection can be considered on merits. Hence, the delay is condoned by accepting reasons.

Civil Application is disposed of.

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Cross-objection St. No. 22901/2016 :

Heard.

Admit.

Shri K. N. Dadhe, learned counsel, waives notice on behalf of the original appellants.

Judge

