

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 674 of 2016
IN
Second Appeal St. No. 10318 of 2016
[Shriram Faku Pusate Vs. Sau. Raibai Nago Khaire & others]

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

Court's or Judge's orders

Mr. N. S. Bhattad, Adv., for the applicant.
Mr. S.R. Deshpande, Adv., for respondent no.1.

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CORAM : A. S. CHANDURKAR, J.

DATE : 13th June, 2017

Prayer is to condone delay of 2832 days in filing the Second Appeal. In the application, it has been stated that the first appellate Court on 3rd May, 2008 refused to condone delay in filing the appeal challenging the decree passed by the trial Court. It is stated that the applicant was not aware about the steps to be taken in the matter. After receiving notices in an appeal filed by one of the parties, he took steps to file the present appeal. It is, therefore, prayed that the delay be condoned.

The application is opposed by the non-applicants by filing reply. It is stated that though the applicant received notices of Second Appeal No. 501 of 2013 in the year 2014, the present application has been filed only on 4th May, 2016. The reasons given are not

sufficient.

Having perused the application as well as the reply, I do not find that any sufficient cause has been shown for condoning the delay. Though it is mentioned in para 4 of the application that after the appellate Court passed its order on 3rd May, 2008, the applicant had consulted his counsel, no details in that regard are given. Even otherwise, the applicant was served in the year 2014 with the notice of appeal preferred by one of the non-applicants. The present application has been filed after two years thereafter. I do not find the reasons assigned sufficient to condone delay of 2832 days. Hence, the application stands rejected.

Judge

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