

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

CIVIL APPLICATION (CAS) NO.645 OF 2017
IN
SECOND APPEAL ST. NO.10848 OF 2017

Dayabai wd/o Himmatrao Dhuldhare and anr.

-vs-

Vijay s/o Bhimrao Mhale and ors.

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

Court's or Judge's Orders.

Shri C. N. Adgokar, Advocate for applicants.
Shri S. R. Patil, Advocate for respondent Nos.1 to 4.

CORAM : A.S.CHANDURKAR, J.

DATE : September 19, 2017

By this application it is prayed that the delay in filing the appeal be condoned. In the application it is stated that the applicant No.2 aged about 57 years was undergoing treatment for his ailments. He was not in contact with his counsel and he got knowledge about dismissal of appeal in February 2017. After applying for the certified copy, the appeal was filed. In support of the application two medical certificates have been placed on record.

The application is opposed by the non-applicants by filing reply. It is stated that the reasons mentioned in the application are incorrect. According to the non-applicants, application for certified copy was made on 08/02/2016 and the certified copy was received on 20/02/2016. Hence the delay does not deserve to be

condoned. Moreover the medical certificate for the period from 04/04/2016 is undated.

I have perused the documents filed on record. As per the judgment of the appellate Court, the applicants were represented by Advocate Shri Pattalwar. The certified copy that was applied for on 08/02/2016 is shown to have been applied by the registered clerk of Advocate Shri Shevane. It is not shown that these certified copies were applied at the instance of the applicants.

Considering the medical certificates filed on record, I find the reasons mentioned are acceptable. Though it is true that one medical certificate is undated, the period of treatment mentioned therein is from 04/04/2016 for a period of ten weeks.

In view of aforesaid, the delay in filing the second appeal stands condoned.

Civil application is allowed and disposed of.

JUDGE