

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

CIVIL APPLICATION (CAS) NO.891 OF 2017
IN
SECOND APPEAL ST. NO.10930 OF 2017

Doma Shiwa Dongre (dead) Gayabai wd/o Doma Dongre (dead) Thr. LRs. Maroti s/o
Doma Dongre and ors.

-vs-

Nilkanth s/o Raghobaji Dongre

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

Court's or Judge's Orders.

Shri J. H. Kothari, Advocate for applicants.
Shri S. A. Choudhari, Advocate for non-
applicant/respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : September 08, 2017

By this application, it is prayed that the delay in filing the second appeal be condoned.

The reasons for the cause of delay are mentioned in paragraphs 3 to 5 of the application. The application is opposed by the non-applicant by filing reply.

It is stated that the ground of illness as furnished by the applicants pertains only to one of the applicants.

On perusal of the reasons given in the application, I do not find that the delay as caused is deliberate. The reasons furnished appears to be acceptable. Hence the delay in filing the appeal stands condoned.

Civil application is allowed and disposed of.

S.A.St. No.10930 of 2017

The following substantial question of law arises for consideration :

“ Whether the Will dated 22/04/1959 that is propounded by the plaintiff has been proved in accordance with the provisions of the Evidence Act, 1872 ? ”

Shri S. A. Choudhary, learned counsel waives notice on behalf of the respondent.

Put up for further consideration on **25/09/2017**.

JUDGE