

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 796 of 2017
IN
Second Appeal St. No.16112 of 2017
[Smt. Radhabai Raghunathsingh Badratiye & others Vs. Sau. Hirabai Virendrasingh Thakur & others]

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

Court's or Judge's orders

Mr. S. M. Vaishnav, Adv., for the applicants.
Mr. A. M. Sudame, Adv., for respondent nos. 1,2 and 3.

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CORAM : A. S. CHANDURKAR, J.

DATE : 15th September, 2017

By this application, it is prayed that delay in filing the appeal be condoned. In the application, it is stated that Second Appeal No. 387 of 2016 was filed for challenging the common judgment of the appellate Court dated 7th January, 2016. The applicants were not advised to file a separate appeal and, therefore, such appeal was not filed earlier. It is stated in the application that the delay as caused is not deliberate and same deserves to be condoned.

The application is opposed by the non-applicants by filing reply. It is stated that reasons mentioned in the application are not sufficient for condoning the delay. The appeal was deliberately not filed and hence the delay does not deserve to be condoned.

Considering the fact that present applicants had challenged the judgment of the appellate Court by filing Second Appeal No. 387 of 2016, an opportunity to contest this appeal on merits deserves to be granted. I do not find that the delay as caused is deliberate. Hence, delay stands condoned.

Civil Application is allowed and disposed of.

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Judge

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