

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application No. 268 of 2017
IN
Second Appeal St. No.25395 of 2016
[Kailash Nathuji Mahakalkar Vs. Smt. Kavita Tatyaji Ghanode & others]

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

Court's or Judge's orders

Mr. H. I. Kothari, Adv., for the applicant.
Mr. Alok Daga, Adv., for respondent no.1.

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CORAM : A. S. CHANDURKAR, J.

DATE : 21st August, 2017

By this application, it is prayed that the delay in filing the appeal be condoned. In the application, it is stated that the counsel representing the appellant had informed him that as and when his presence would be required, he would be called by him. However, though the appeal was decided on 8th April, 2015, no such intimation was received. On the contrary, when mutation proceedings pursuant to decree were initiated, the applicant was noticed. It is, therefore, prayed that the delay be condoned.

The application is opposed by the non-applicants by filing reply. It is stated that the applicant has not been diligent and the reasons mentioned in the application do not appear to be correct.

After hearing the respective counsel and after perusing the contents of the application and reply, I find that reasons mentioned in paras 2 and 3 of the application appear to be acceptable. An opportunity to contest the proceedings on merits deserves to be granted. Hence, delay in filing the Second Appeal stands condoned.

Civil Application is allowed and disposed of.

Second Appeal St. No. 25395 of 2016 :

List the appeal for admission on 28th August, 2017.

Judge

[hedau]