

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 807 OF 2018

VIMAL SHARAD DARPEL AND ANOTHER
VERSUS
MANGAL CHHABU PAWAR AND OTHERS

Advocate for Petitioners : Shri S.S. Chapalgaonkar.
Advocate for Respondent No. 1 : Shri S.S. Kulkarni.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 23rd January, 2018

PER COURT :

1. Learned counsel appearing on Caveat for respondent No. 1, relies upon the view taken by the Hon'ble Apex Court in paragraph Nos. 9 and 10, in the matter of **Shyam Sunder Sarma Versus Pannalal Jaiswal and others [AIR 2005 SC 226]**, to support his contention that a Second Appeal would lie against the order refusing to condone delay in a Civil Miscellaneous Application filed for seeking condonation of delay caused in filing a Regular Civil Appeal.

2. Learned counsel for the petitioners submits that this petition be disposed of with liberty to the petitioners to prefer the Second Appeal and the time spent in this Court may be excluded while filing the Second Appeal.

3. Considering the above, this petition is disposed of with liberty

to the petitioners as prayed for. The time spent by the petitioners in this Court from 15/01/2018 till today, shall be excluded while filing the Second Appeal.

(RAVINDRA V. GHUGE, J.)

S.P.C.