

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13993 OF 2018

SUDHAKAR NARAYANRAO CHAVAN
VERSUS
HARIBHAU NARAYANRAO CHAVAN AND OTHERS

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Advocate for Petitioner : Mr. V.J. Dixit, Senior Counsel i/b Mr. S.J.
Salunke

Advocate for Respondent No.1 : Mr. Sanjay A. Wakure

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CORAM : N. M. JAMDAR, J.
DATED : 19 DECEMBER 2018

PER COURT:-

1. Heard the learned counsel for the parties.
2. The learned Senior Advocate appearing for the petitioner after arguing the matter for some time states that the petitioner will file second appeal challenging the judgment and order passed in Regular Civil Appeal No. 230 of 1984 dated 14 October 2009. He states that the petitioner be protected for some time. The learned Senior Advocate submits that the circumstances in which the petitioner had approached this Court be taken into consideration for the purpose of delay.
3. The impugned judgment and order passed by the learned

District Judge runs into almost 27 pages. The learned District Judge has in detail analyzed the evidence that parties have produced on record to examine the contention of the petitioner that he was not aware of the dismissal of the appeal. From the decision so rendered, it is clear that various aspects had to be examined. In these circumstances, if the question of condonation of delay in filing the second appeal arises, it will be open to the petitioner to contend that the same may be considered favourably.

4. In addition, it is informed that the same judgment and order passed in appeal is already under challenge in Second Appeal No. 493 of 2014 at the behest of other defendant and an interim order is passed therein.

5. To enable the petitioner to file the second appeal, as stated, the position as of today be continued for a period of four weeks.

6. The writ petition is disposed of as withdrawn.

(N. M. JAMDAR, J.)

rlj/