

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION No.775 OF 2014

M/s.Sai Erectors

... Petitioner

Vs.

Shri Sampat Bhimaji Waghmare & Ors.

... Respondents

Mr.R.M. haridas for the Petitioner

None for the Respondents

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 24, 2018**

P.C. :

1. The learned Counsel appearing for the petitioner submits that he is challenging the order dated 1.1.2014 passed by the learned District Judge, Pune thereby rejecting the application for condonation of delay in filing the First Appeal against the judgment and decree dated 15.6.2012 in Suit No.459 of 2007.
2. Second appeal lies against such an order and not a Writ Petition. At this stage, the learned Counsel seeks liberty to file Second Appeal.

3. In view of the above, the Petitioner is allowed to file Second Appeal, subject to the issue of limitation.
4. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)