

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO.984 OF 2017
IN
SECOND APPEAL ST. NO.15524 OF 2016

Bhimrao Kisanrao Palaspagar, Amravati
-vs-
Ganesh Sukhdeorao Wankhede, Amravati

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

Court's or Judge's Orders.

Shri H. M. Bobade, Advocate for applicant/appellant.

CORAM : A.S.CHANDURKAR, J.
DATE : February 24, 2018

The applicant prays that the delay in filing the second appeal be condoned.

According to the applicant after the first Appellate Court refused to condone delay in filing the appeal under Section 96 of the Code of Civil Procedure, 1908, he had preferred Writ Petition No.5515/2015. This writ petition was disposed of on 12/10/2015 after which further steps were taken to file the second appeal. The delay was also caused as the applicant was suffering from medical ailment.

The non-applicant has been served with the civil application. He has however, not chosen to oppose the prayer made therein. Hence accepting the reasons mentioned, the delay in filing the second appeal stands condoned.

Civil Application is allowed and disposed of.

Second Appeal St. No.15524 of 2016

Issue notice for final disposal of the second appeal on the following substantial question of law :

“ Whether the appellate Court was legally justified in refusing to condone the delay in filing appeal under Section 96 of the Code of Civil Procedure, 1908 ?”

Notice returnable on **17/04/2018**.

Humdast granted.

JUDGE