

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.S. NO.1159/2018 IN SECOND APPEAL STAMP NO. 16596/2018
 (ARUN WASUDEO DESHMUKH & OTHERS VERSUS ASHOK WASUDEO DESHMUKH)

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

Court's or Judge's orders

Shri V.V. Bhangde, counsel for applicants.
 Shri V.S. Dhobe, counsel for non-applicant.

CORAM : A.S. CHANDURKAR, J.

DATE : OCTOBER 17, 2018.

By this application, it is prayed that the delay in filing the second appeal be condoned.

In the application, it is stated that the appellate Court decided the appeal on 19.01.2017. After receiving the certified copy, application for review was filed within a period of thirty days. That application for review was decided on 31.03.2018 after which certified copies were again applied on 13.04.2018. After receiving those certified copies, the present second appeal has been filed. It is stated that in the process, the delay has occurred.

The prayer is opposed by the non-applicant by filing reply. It is stated that the proceedings are being delayed by the applicants on one count or the other. Since the parties are senior citizens, it is stated that the proceedings ought to have been decided expeditiously but they have been prolonged on one pretext or the other.

On hearing the learned counsel for the parties, it is found that the applicants had moved an application for review within the prescribed period and after the same was decided, the appeal has been filed within a period of ninety days. As the applicants have sought to invoke the remedy available to them, it is found that the delay is liable to be condoned.

Civil application is allowed and disposed of.

JUDGE

APTE