

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

CIVIL APPLICATION (CAS) NO.1528 OF 2017
IN
SECOND APPEAL ST. NO.25434 OF 2017

Purushottam s/o Pandurang Waghole

-vs-

Mahadeo s/o Laghuji Deole and ors.

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

Court's or Judge's Orders.

Shri A. J. Thakkar, Advocate for applicant/appellant.
Shri V. B. Bhise, Advocate for non-applicants.

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

The applicant prays that delay in filing the second appeal be condoned. The reasons for the delay are mentioned in paragraph Nos.2 to 4 of the application which is supported by medical certificates issued to the applicant.

The application is opposed by the non-applicants by filing reply. It is stated that the applicant has not been diligent in prosecuting the appeal and therefore the delay does not deserve to be condoned.

It is to be noted that against the impugned judgment the non-applicants have filed Second Appeal No.441/2017 which is still pending. In this appeal the very same judgment is sought to be challenged by the applicant. Thus considering the reasons mentioned in the application which are found to be acceptable the delay in filing the appeal stands condoned.

Civil Application is allowed and disposed of.

Second Appeal St. No.25434 of 2017

Shri V. B. Bhise, learned counsel waives notice on behalf of the respondent.

Put up for admission along with S.A.No.441/2017 on **09/03/2018**.

JUDGE