

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5590 OF 2019

Pandurang Dnyanu Shinde	..Petitioner.
V/s.	
Shamrao Govind Pawar	..Respondent.

WRIT PETITION NO.5591 OF 2019

Pandurang Dnyanu Shinde	..Petitioner.
V/s.	
Shamrao Govind Pawar & Anr.	..Respondents.

Mr.S.M.Kamble with Vikrant Desai for the petitioner.

Mr.Bhooshan Mandlik i/b. S.R. Ganbavale for the respondents.

CORAM : M.S.SONAK, J.

DATE : APRIL 26, 2019

P.C.:-

Not on board. Upon mentioning, the matters are taken on production board.

2. In both these matters, the challenge is to the order by which Appeal Court has dismissed the petitioner's application seeking condonation of delay in instituting the first appeal.

3. Since the impugned order has been made in the appeal and that amounts to disposal of the appeal itself. The petitioner has a

remedy by way of instituting second appeal under section 100 of the Code of Civil Procedure.

4. Accordingly, learned counsel for the petitioner, on instructions from the petitioner, seeks leave to withdraw these petitions with liberty to institute second appeals. Leave as prayed for with liberty is granted.

5. Further, it is noted that the impugned orders were passed on March 15, 2019 and these petitions were instituted on April 9, 2019 and they remain pending till date.

(M.S.SONAK, J.)