

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

WRIT PETITION NO. 2147/2019

(SHYAM ATMANAND SALVE **VERSUS** SANJAY VIJAY WASEKAR & OTHERS)

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

Court's or Judge's orders

Mrs. U.A. Patil, counsel for petitioner.

CORAM : A.S. CHANDURKAR, J.

DATE : MARCH 18, 2019.

The order condoning delay in filing an appeal under Section 96 of the Code of Civil Procedure, 1908 is under challenge.

It is submitted that even during pendency of the suit, the defendants were proceeded *ex parte*. They were not diligent in prosecuting the matter and the reasons given in the application for condonation of delay have been accepted by the Appellate Court without any justifiable cause.

On hearing the learned counsel for the petitioner and on perusing the application for condonation of delay which is supported by an affidavit, it is clear that the delay has been caused because necessary steps were not taken for representing the cause of the said defendants though relevant papers were handed over by the defendants to their counsel. While accepting the statements made on oath, the Appellate Court has imposed costs of Rupees Two Thousand for condoning the delay. Considering the nature of order as passed, I am not inclined to exercise writ jurisdiction.

By expediting hearing of the appeal by the Appellate Court, writ petition is dismissed with no order as to costs.

JUDGE