

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

**WRIT PETITION NO. 3187/2019**

(OMPRAKASH UTTAMSINGH GAUTAM **VERSUS** M/S DHAWAN CONSTRUCTION)

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

Court's or Judge's orders

Ms Archita Sudame, counsel for petitioner.  
 Shri H.D. Dangre, counsel for respondent.

**CORAM : A.S. CHANDURKAR, J.**

**DATE : OCTOBER 11, 2019.**

Challenge raised is to the order passed by the Appellate Court condoning the delay of 59 days in filing an appeal under Section 96 of the Code of Civil Procedure, 1908.

According to the petitioner, though in the application for condonation of delay it was stated that the said applicant was advised bed rest for a period of two months from 15.05.2018, the said applicant was present before the Court on 07.07.2018 in R.C.S. No.255 of 2017. Hence the reasons mentioned in the application were not true and correct.

According to the respondent he was present in a criminal case being R.C.C. No.301787 of 2013. The presence of the respondent was warranted as he was an accused therein.

It is seen that the Appellate Court while condoning the delay has accepted the reasons furnished by the original applicant and has also imposed costs. I do not find any error in the discretion exercised by the learned District Judge. There is no reason to interfere with the impugned order.

The writ petition is dismissed. No costs.

**JUDGE**