

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

WRIT PETITION NO.6935 OF 2017

Sachin s/o Subhashchandra Vyas.

Vs.

Smt. Arti w/o Manoj Vyas and another.

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

Court's or Judge's orders

Shri Dhananjay M. Sherkar, Advocate h/f Shri A. M. Jaltare for
petitioner.

Shri N. S. Warulkar, Advocate for respondent no.1.

CORAM : A. S. CHANDURKAR, J.

DATE : OCTOBER 04, 2019.

In view of the decision of the Hon'ble Supreme Court in ***Shyam Sundar Sarma Vs. Pannalal Jaiswal and Ors., (2005) 1 SCC 436***, the appeal under Section 100 of the Code of Civil Procedure, 1908 is maintainable for challenging the order passed by the Appellate Court refusing to condone delay in filing appeal under Section 96 of the Code.

Since the present writ petition was filed within a period of 90 days of passing that order the petitioner is permitted to withdraw the writ petition with further liberty to file a Second Appeal. If such appeal is filed within a period of one month from today same shall be liable to be entertained on merits. Keeping the points open, Writ Petition is disposed of. No costs.

JUDGE