

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

WRIT PETITION NO.6625/2019

Raghunath D.Gharpure Vs. The Chief Engineer, Irrigation Deptt. And others.

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

Court's or Judge's Orders.

Mrs. Smita P. Deshpande, Advocate for petitioner.

CORAM : A.S.CHANDURKAR, J.

DATED : NOVEMBER 28, 2019.

In view of the decision in *Shyamsunder Sarma Vs. Pannalal Jaiswal and ors. 2005(1) Mh.L.J. 340* , an appeal under Section 100 of the Code of Civil Procedure, 1908 (for short, 'the Code') is maintainable for challenging the order dated 05.07.2019 passed by the appellate Court refusing to condone the delay in filing an appeal under Section 96 of the Code.

Hence with liberty to file such appeal, the writ petition is disposed of. No costs.

All points raised are kept open.

JUDGE

Andurkar.