

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

CIVIL APPLICATION (CAS) NO. 531/2019
IN
SECOND APPEAL STAMP NO. 29293/2018

Buddhadas Pairuji Ingole and another.

V/s

Janrao Vasram Rathod and others.

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

Court's or Judge's orders.

Shri Sumedh Kadam, counsel h/f Shri R.R.Vyas, counsel for the appellant.
Shri A.R. Chauhan, counsel for the respondents.

CORAM: ARUN D. UPADHYE, J.

DATE: 10-07-2019.

Heard learned counsel for the parties.

Perused the application and reply filed by the respondents.

There is delay of 58 days in filing second appeal stamp. The application put forth on behalf of the appellant, that delay is caused as the counsel has not informed the dismissal order passed by the lower appellate Court.

The learned counsel for the respondents, however, objected for the same, and submitted that the delay is not properly explained.

In support of his submissions, learned counsel for the respondents placed reliance in the case of

The State of W.B. vs. The Administrator, Howrah Municipality and others reported in AIR 1972 SC 749.

After hearing both the sides and considering legal position, I am of the view that delay could be condoned in the interest of justice. The applicant has properly explained the delay.

Hence, civil application is allowed and delay is condoned.

JUDGE