

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

CIVIL APPLICATION (CAS) NO.62 OF 2019
IN
SECOND APPEAL STAMP NO.29310 OF 2018

(Kishor s/o Arjundas Khurana and another Vs. Shivkumar Aaidan Panpaliya)

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

Court's or Judge's orders.

Ms. Kirti Deshpande, Advocate h/f Shri R.R. Vyas, Advocate for Applicants.
None for Respondent.

CORAM: ROHIT B. DEO, J.
DATE: 29th APRIL, 2019.

The delay is caused since the applicant was prosecuting wrong remedy. The applicant preferred Writ Petition 463 of 2017, this Court issued notice and stayed the proceedings of the Appellate Court. Ultimately, the writ petition came to be withdrawn with liberty to file appeal.

2] None appears on behalf of the non-applicant.

3] In view of the reasons stated in the application the delay is condoned.

Second Appeal Stamp No.29310/2018:

Issue notice for final disposal on the following substantial questions of law:

(i) Whether while deciding application

under section 5 of Limitation Act court can ignore sufficiency of cause, and only consider length of delay?

- (ii) Whether the First Appellate Court was right in refusing to condone a delay when reason advanced for preferring cross objection after period of limitation was a good and sufficient reason on preponderance of probability?

Civil Application (CAS) No.63/2019:

Issue notice to the non-applicant, returnable on 10.06.2019.

2] There shall be ad-interim relief in terms of prayer clause (1).

JUDGE