

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

CIVIL APPLICATION (CAS) NO.431 OF 2019

IN

SECOND APPEAL STAMP NO.6598 OF 2019

Parasram s/o Tima Wanjari and others.

Vs.

Janabai W/o Parasram Wanjari and others.

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

Court's or Judge's orders

Mr. D. S. Sawarkar, Advocate for applicants.

Ms. Falgani Badani, Advocate h/f Ms. R. S. Sirpurkar,
Advocate for respondent nos. 1 to 3.

CORAM : AVINASH G. GHAROTE, J.

DATE : FEBRUARY 11, 2020.

Heard Mr. D. S. Sawarkar, learned counsel for the applicants and Ms. Falgani Badani, learned counsel h/f Ms. R. S. Sirpurkar, learned counsel for the respondent nos.1 to 3.

By this application, the delay occasioned in filing of the second appeal of 281 days is sought to be condoned. The reason stated in the application in Para 9 mentions that the appellant was unaware of the disposal of the first appeal by the Appellate Court on 12.03.2018, as the counsel engaged, had intimated that the proceedings were going on and he will intimate regarding the decision later on. It is submitted that as soon as the appellant came to know from another counsel on 02.02.2019 that the appeal was dismissed, he immediately applied for the certified copy and the appeal is filed with all poste haste.

Ms. Falgani Badani, learned counsel appears for the respondent nos.1 to 3 opposes the application and submits that the reasons given are not satisfactory and therefore the application be rejected. However, considering the reasons given and in order to decide the second appeal on merits, the delay is condoned. The application is allowed.

Office is directed to register and list the appeal for admission. Ms. Falgani Badani, learned counsel h/f Ms. R. S. Sirpurkar, waives notice for respondents no. 1 to 3 on merits.

JUDGE

Sarkate