

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

WRIT PETITION NO.2072 OF 2020

Tuniram Tulshiram Ilme and anr. Vs. State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K. S. Motwani, Advocate for Petitioners.
Ms. S. S. Jachak, A.G.P. for respondents/State.

CORAM :- A. S. CHANDURKAR, J.

DATED :- 28.08.2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

2. In view of the judgment of the Hon'ble Supreme Court in the case of *Shyam Sunder Sarma Vs. Pannalal Jaiswal and ors.* reported in *2005(1) Mh.L.J.-340*, an Appeal under Section 100 of the Code of Civil Procedure, 1908 would be maintainable in challenging the order passed by the First Appellate Court refusing to condone delay.

3. In that view of the matter, the Writ Petition is permitted to be withdrawn with liberty to file second appeal in accordance with law.

4. The order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE