

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

CIVIL APPLICATION (CAF) NO.1528 OF 2019

IN

FIRST APPEAL STAMP NO.20353 OF 2018

Hemraj s/o Manikrao Khobragade.

Vs.

Sarla wd/o Mohan Dhole and another.

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

Court's or Judge's orders

Shri A. R. Patil, Advocate for appellant.

Shri Deoul Pathak, Advocate h/f Shri S. V. Purohit, Advocate for
respondent nos.3 and 4.

Ms. Anita Mategaonkar, Advocate for respondent no.5.

CORAM : AVINASH G. GHAROTE, J.

DATE : JANUARY 07, 2020.

This is an application for condonation of delay caused in filing of the appeal. The delay is of 245 days. It is submitted that consequent to the receipt of the summons, the same was handed over to the counsel at Wardha who has filed his Vakalatnama. However, the learned counsel passed away after suffering a heart attack. As a result of which no written statement was filed and the Court proceeded ex-parte against the applicant. The applicant was informed of this proceeding in March 2018, whereas the judgment was passed on 28.09.2017. It is therefore submitted that the delay has been caused due to the unfortunate demise of the counsel which needs to be condoned.

The counsel for the respondents have opposed the same. Considering the fact that counsel in question had

passed away, the delay is condoned. The application is allowed. Office is directed to register the appeal.

Ms. Anita Motegaonkar, learned counsel appearing for respondent no.5. She has instructions to waive notice on merit. Similar statement is made by Shri Deoul Pathak, learned counsel for respondent nos.3 and 4. The statement is recorded and accepted, appeal be registered.

Place the matter for further consideration on 13.01.2020.

JUDGE

Sarkate