

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

Civil Application (CAS) No.112 of 2021

In

Second Appeal Stamp No. 1785 of 2021

Ruchit Dilip Korat

Versus

Vijay @ Balasaheb Pundlikrao Band

Office Notes, Office Memoranda of
der

Court's or Judge's Or-

Coram, appearances, Court's Orders
or directions and Registrar's order

Shri K.P. Mahalle Advocate for applicant

CORAM : ANIL S. KILOR, J.

DATED : 18 DECEMBER 2021

Heard the learned Counsel for the
applicant. None for the non applicant.

2. Learned Counsel for the applicant submits that there is a delay of 1053 days in filing Second Appeal. It is pointed out that earlier Writ Petition was filed against the order of rejection of application for condonation of delay in filing First Appeal. In the said Writ Petition stay was operating. However, subsequently on raising an objection to the maintainability of the Writ Petition, this Court on

03/03/2020 dismissed the said Writ Petition and permitted the appellant to take recourse to the appropriate proceedings as permissible in law and accordingly the present Second Appeal was filed.

3. It is submitted that due to Pandemic, after the order passed by this Court on 03/03/2020, no immediate steps were taken.

4. Though the non-applicant is served on this application, he has not filed any reply to this application opposing the prayer made in the application.

5. In view of the fact that earlier Writ Petition was filed and as it was not tenable, it was dismissed and the appellant was permitted to take recourse to the appropriate proceeding, moreover, further Second appeal has been filed. There is also no dispute that there was a Pandemic and during the same, the limitation was extended.

6. In the above referred backdrop, as I have found that sufficient cause has been shown in the

application, the delay caused in filing Second Appeal is condoned.

7. The office is requested to register the Second Appeal and place the same on 03/01/2022 for admission along with application for stay.

[ANIL S. KILOR, J.]

Jayashree