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

LETTERS PATENT APPEAL NO.173 OF 2013
IN
WRIT PETITION NO.5200 OF 2012

Martand s/o Naktuji Borkar and ors.

-vs-

Shaila Parveen w/o Mohammad Ayyub and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. B. Agasti, Advocate for appellants.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : October 13, 2021

The order passed in Writ Petition No.5200/2012 dated 11/02/2013 is under challenge in this Letters Patent Appeal. In the writ petition that was filed before the learned Single Judge an order passed by the learned District Judge in Misc. Civil Application No.84/2008 dated 26/07/2012 was in challenge. This order was passed on an application for condonation of delay in filing appeal under Section 96 of the Code of Civil Procedure, 1908.

In view of the decision in *Ramdayal s/o Gulabchand Khandelwal and ors. vs. Mahendra s/o Badrinarayan Khandelwal and ors.* 2021(4) Mh.L.J. 653 following the judgment of the Honourable Supreme Court in *Jogendrasinhji Vijaysinghji vs. State of Gujrat and ors.* (2015) 9 SCC 1 a Letters Patent Appeal challenging a declaration by learned Single Judge in writ petition that has been filed for quashing the order of Civil Court has been held to be not maintainable. In view of aforesaid this Letters Patent Appeal is disposed of as not maintainable.

However the pints raised in the appeal are kept open. It is clarified that the appellants are at liberty to challenge the order passed in Writ Petition No.5200/2012 in accordance with law. No order as to costs.

JUDGE

JUDGE