

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

CIVIL APPLICATION (CAS) NO.472 OF 2020

IN

SECOND APPEAL ST.NO.10086 OF 2020

(SHAILABAI RAMRAO BRAMHANE & ANR....VS.. MANOHAR LAXMANRAO LAVHALE (DEAD) THR.
 LRS. & ORS.)

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

Court's or Judge's orders

.....
 Shri P.K.Bezalwar, Advocate for Applicants.
 Shri Sudhir Malode, Advocate for Non-applicants.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 02, 2021.

1. Heard.
2. This is an application for condonation of delay. There is delay of 510 days in filing the second appeal and if the period during which the Hon'ble Supreme Court had extended the limitation, is excluded, it comes to 144 days.
3. The learned counsel for the applicants has pointed out that the applicants has pointed out sufficient cause in the application more particularly in paragraph Nos. 2, 3 and 4. He submits that in view of the said explanation, the delay is not intentional but bonafide.
4. Shri Malode, learned counsel for the non-applicants has no serious objection, except the objection that the applicants have not shown due respect to the

orders passed by the lower appellate Court. Therefore, he submits that this Court may not show indulgence in the matter.

5. However, after going through the application, sufficient cause has been shown for condonation of delay. Moreover, non-compliance of lower appellate Court's orders cannot be the reason to reject the application for condonation of delay.

6. In that view of the matter, the application is allowed. Delay caused in filing second appeal is condoned.

7. Second Appeal be registered and be placed for admission on **13th December 2021**.

JUDGE

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