

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

Civil Application (CAS) No.1054 of 2019

In

Second Appeal (St) No. 24423 of 2019

Jalil Khan s/o Khalil Khan

Versus

Jabiulla Khan s/o Salamulla Khan

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

Court's or Judge's Order

Shri Shaunak U. Kothekar, advocate for the applicant.

Shri Shahrukh Shah, advocate h/f Shri M.N.Ali,
advocate for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 9th DECEMBER, 2021.

This is an application for condonation of
delay in filing the second appeal.

2. I have heard learned counsel for the
respective parties.

3. Learned counsel for the applicant states that
there is delay of 137 days in filing the second appeal.
He submits that there was health problem as well as he
had financial constraints, the applicant could not take
immediate steps to file second appeal. He submits that

the delay caused in filing the second appeal is not intentional, but bonafide.

4. The non-applicant has filed the reply to this application. There is no denial to any of the grounds raised in this application by the applicant.

5. After going through the reasons stated in the application, I am of the considered view that sufficient cause has been shown by the applicant for causing the delay in filing the second appeal. In that view of the matter, the delay in filing the second appeal is condoned. The application is allowed.

6. Office is requested to register the second appeal and place the same for 'Admission'.

[ANIL S. KILOR, J.]

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