

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

CIVIL APPLICATION (CAS) NO.171/2019

IN

SECOND APPEAL ST. NO.2359/2019

Maroti Narayan Pinge

...Versus...

Manjulabai Anandrao Bodhale and others

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

Court's or Judge's orders

Mrs. S.P. Giratkar, Advocate for applicant
Shri S.Zia Quazi, Advocate for respondent nos.1 to 3 & 5

CORAM : AVINASH G. GHAROTE, J.

DATE : 27/09/2022

1. The application seeks condonation of delay of 702 days caused in filing the second appeal against the judgment dated 29/11/2016 passed by the learned Appellate Court. The reason given is that the applicant was under treatment for the period from 13/01/2016 to 28/06/2018 for lumber spondylitis, in support of which, certificate issued by Dr. Kalaskar has been placed on record. Though the veracity of the certificate and the reason given for condonation of delay is disputed by the learned counsel for the respondents, however, considering the principles laid down in *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others (2013) 12 SCC 649*, in paras 21 and 22, the delay

caused in filing the second appeal is condoned, subject to costs of 5,000/- to be deposited with the High Court Legal Services Sub-Committee, Nagpur within two weeks from today as a condition precedent. In case it is so deposited, the office shall register the appeal and list it for admission on 12/10/2022.

2. The civil application is allowed and disposed of accordingly.

(AVINASH G. GHAROTE, J.)

Wadkar