

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

WRIT PETITION NO. 3736 OF 2022

Ramdas Garbad Borse

-- Petitioner

Vs.

Kondu @ Kadu Nile (Dead) Through LRs

-- Respondents

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

Court's or Judge's orders

Mr. S.G. Joshi, Advocate for Petitioner

CORAM : MANISH PITALE, J.

DATE : 11th JULY, 2022

By this petition, the petitioner is seeking to challenge an order passed by the Appellate Court, whereby an application for condonation of delay has been rejected.

2. As per the settled law since the effect of the impugned order is disposal of the appeal itself, Second Appeal under Section 100 of the Code of Civil Procedure ought to be filed to challenge the said order.

3. In view of the statutory avenue of appeal available to the petitioner, this Court is not inclined to entertain the present writ petition. Accordingly, the writ petition is dismissed.

4. Liberty is reserved for the petitioner to file appropriate appeal in the facts and circumstances of the present case.

JUDGE