

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

CIVIL APPLICATION (CAS) NO.768/2018

Tulsidas s/o Bhimji Patel

Vs.

Parwata wd/o Kundlikrao Choudhary and others

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

Court's or Judge's orders

Shri A.J. Thakkar, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 18/07/2022

Heard.

2. The present application is filed for condonation of delay in filing second appeal. It is submitted by learned Counsel for applicant that there is delay caused in filing second appeal as he was not having knowledge about pendency of suit or passing of decree by learned Civil Court in respect of partition. On receipt of letter from Tahsildar, appellant obtained certified copy of order and notice issued by Tahsildar dated 22/03/2017. After obtaining certified copy, he came to know about filing of suit and passing of decree in favour of plaintiff and appeal filed by his vendors being dismissed by learned Principal District Judge, Nagpur. He immediately filed Revenue Appeal challenging the order passed by Tahsildar. He also noticed that defendant filed application for condonation of delay and filed second appeal and therefore property purchased by him would be at stake. Hence, he filed second appeal along with

present application for condonation of delay.

3. Despite service, the respondents chose to remain absent.

4. For the reason stated in the application, I am satisfied that there is no malafide and deliberate delay in filing second appeal. Accordingly I pass the following order:

ORDER

- i) The application is allowed.
- ii) Delay in filing second appeal is hereby condoned.
- iii) Registry is directed to register the second appeal.

The Application stands disposed of
accordingly.

JUDGE

R.S. Sahare