

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13473 OF 2023

Shivaji Nivrutti Ranshingare
since deceased through LR.

... Petitioners

V/s.

Bharat Shivaji Jagtap

... Respondent

Mr. Ashish Gaikwad with Ms. Bhavana Khichi-Natuskar
i/b y Mr. Ujwal Agandsurve for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 1, 2023

RC.:

1. By the impugned order, the Appellate Court has refused to condone delay in filing appeal under Section 96 of the Code of Civil Procedure, 1908. Such order is deemed to be decree. The petitioner has remedy of filing second appeal.

2. Hence, the writ petition stands disposed of by granting liberty to the petitioner to file second appeal.

(AMIT BORKAR, J.)