



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.986 OF 2023
IN
APPEAL FROM ORDER (ST) NO.20001 OF 2022**

Sham Baburao Kandekar ... Applicant
versus
Ulka Vitthalrao Bhairat and Ors. ... Respondents

Mr. Sandeep Pathak, for Applicant.
Mr. Onkar Gawade i/by Mr. Jaydeep Deo, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 26 JULY 2023

P.C.

1. Heard the learned Counsel for the Applicant.
2. This Application is preferred to condone the delay in preferring the appeal against the order passed by the learned Ad-Hoc District Judge, Pune on 12 January 2017 on an application for temporary application (Exhibit 4), whereby the application came to be rejected.
3. Initially, the applicant had preferred Writ Petition No.8542 of 2017 and, subsequently, it was withdrawn with liberty to file Appeal from Order. Time consumed in prosecuting the said Writ Petition deserves to be excluded under Section 14 of the Limitation Act, 1963. If the said period is excluded, there is a delay of 13 days only.
4. For the reasons assigned in the application, the application stands

allowed.

5. Delay in preferring the appeal stands condoned.
6. Interim Application stands disposed.
7. The Appeal be registered and listed for Admission on 6th September 2023.

(N.J.JAMADAR, J.)