

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

...
CIVIL APPLICATION (S) NO. 190/2021
IN
SECOND APPEAL (st) NO. 1888/2020

Shri Prashant Dnyaneshwar Ingole

..Appellant

versus

Manohar Ganpat Ingole

..Respondent

.....
Mrs.S.W.Deshpande, Advocate for the appellant /applicant

Ms G.R. Diwe, Adv.for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 30th June, 2023.

PC:

By the present application, the applicant is seeking condonation of delay of 1072 days in filing Second Appeal against the judgment and decree dated 15.10.2016 passed by learned District Judge-6, Amravati in RCA No.55/2012.

2. The reasons put forth by the applicant finds place in paragraph 2 of the application. According to the applicant, the counsel for the applicant had applied for certified copy on 4th November,2016, the counsel received the copies on 7th December 2016. Thereafter the counsel was admitted in a hospital and underwent a bypass surgery. Meanwhile, the applicant went to the office of the counsel but could not get the certified copies. In the meantime, the file got misplaced in the counsel's office and traced only in the third week of January 2020. The learned counsel submits that the delay is not intentional but inadvertent.

3. Reply at the instance of the respondent has not been filed though last chance was granted. However, the learned counsel for the respondent-non-applicant submits that the delay has not been properly explained, inasmuch as it is not stated as to how many days the applicant's counsel was admitted in the hospital. She submits that the inordinate delay of about three years has not been properly justified.

4. It appears that the applicant was in some difficulty, so also his counsel. However, the applicant ought to be diligent enough in persuading the remedy. In the circumstances, to my mind, the following order will subserve the interest of justice. Hence the order:

ORDER.

The delay of 1072 in filing the Second Appeal is hereby condoned, subject to payment of costs of Rs. 2500/- to be paid by the applicant to the respondent within four weeks from today. The Second Appeal be registered thereafter.

The Civil Application stands allowed in above terms.

[ANIL L. PANSARE, J.]

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