

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

CIVIL APPLICATION (CAS) NO.554/2021
IN
SECOND APPEAL ST. NO.2789/2020

Shri Jitendra s/o Punjaramji Bhagat

Vs.

Shri Prabhakar s/o Vithalrao Pandao

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

Court's or Judge's orders

Shri A.V. Bhide, Advocate for appellant
Ms P.B. Dhruv, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 16/03/2023

The present application is filed for condonation of delay of 351 days in filing Second Appeal. The reason for non filing of Second Appeal is given that the appellant is layman and not knowing procedure and effect of the judgment and decree. He was not aware when the judgment and decree passed by Appellate Court and he came to know about passing of judgment when he contacted with Counsel.

2. The learned Counsel for respondent vehemently opposed the application and submitted that there is no sufficient cause explaining the delay. However, in my considered opinion, there is a good case on merit. As such, delay needs to be condoned. However, inconvenience cause to the respondent can be taken care of by imposing costs. Accordingly, the application is allowed.

3. The delay in filing Second Appeal is hereby condoned subject to costs of Rs.2000/- to be paid to the respondent within two weeks.
4. The Registry is directed to register the Second Appeal.
5. The application stands disposed of accordingly.

JUDGE

R.S. Sahare