

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

CIVIL APPLICATION (CAF) NO. 410/2020 IN
FIRST APPEAL STAMP NO. 15145/2019

Rekha Wd/o Surendra Ninave and others

Vs.

Rabindranath S/o Arjun Pramanik and another

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

Court's or Judge's orders

Ms Rashmi Mankar, Advocate h/f Shri P.S. Patil, Advocate for appellants
Ms Anita Mategaonkar, Advocate for respondent No.2

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 14/06/2023

Present application is filed for condonation of delay of 29 days in filing first appeal. It is submitted that the applicant No.1 is the widow and Nos.2 and 3 are children of deceased Surendra S/o Manohar Ninave, who met with an accident. The applicant could not file the application for want of sufficient fund to raise court fee. As such, there is delay of 29 days.

2. The learned Counsel for respondent No.2, raised her objection for condoning the delay, however for the delay of 29 days which is not inordinate and the reasons, for which it is caused, I am of the opinion that it is justifiable and liable to be condoned. As such, application is allowed.

3. Delay in filing first appeal is hereby condoned.
4. Registry is directed to register first appeal.
5. After registration of the first appeal, issue notice to the respondents, returnable within three weeks.
6. Learned Counsel Ms Mategaonkar, waives notice for respondent No.2.

(SMT. M.S. JAWALKAR, J.)