



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

CIVIL APPLICATION (CAS) NO.1030/2023
IN
SECOND APPEAL ST. NO.15250/2023

Yusuf Bhai Hamza Bhai Chimthanwala

Vs.

Nagpur Improvement Trust, thr. Its Chairman and others

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

Court's or Judge's orders

Shri Yash Maheshwari, Advocate h/f Shri Shraddhanand
Bhutada, Advocate for appellant
Shri A.M. Kukday, Advocate for respondent No.3

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 25/09/2023

In spite of service, none for the respondent
Nos.1 and 2.

2. Shri A.M. Kukde, learned Counsel, appeared
for respondent No.3.

3. The present application is filed for
condonation of delay in filing Second Appeal. There is
delay of 145 days. The learned Counsel for applicant
submitted that there is delay on the count that they
were advised to file review application. The said
review application is pending. However, they will seek
permission to withdraw the same on the next date.

4. The learned Counsel for respondent No.3
vehemently opposed the application.

5. However, for the reasons stated in paragraph

Nos.2 to 5, I am satisfied that there is justifiable reason for not approaching this Court within limitation. Accordingly, application is allowed.

6. The delay in filing Second Appeal is hereby condoned.

7. The Registry is directed to register the Second Appeal.

8. Interim order to continue till next date.

JUDGE

R.S. Sahare