



13-2024

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

CIVIL APPLICATION NO. 3 OF 2024
IN APPEAL AGAINST ORDER ST. NO. 112 OF 2024
(Virendra s/o Sadashiv Nikhar Vs. Abhishek s/o Kishor Jaju)

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

Court's or Judge's orders.

Shri S.P. Kshirsagar, Counsel for the applicant/appellant.
Shri S.L. Kotwal, Counsel for the non-applicant/respondent.

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CORAM : ANIL L. PANSARE, J.
MARCH 21, 2024.

By present application, the applicant is seeking to condone delay of 90 days in filing appeal against order dated 13/6/2023.

2] As such, the application is silent on date of order, which is sought to be challenged. However, the appeal memo indicates that the applicant intends to challenge two orders; one is dated 18/10/2022 passed below Exh.5 and second is dated 13/6/2023 passed below Exh.31.

3] The learned Counsel for the applicant is not pressing for orders on condonation of delay in challenging order dated 18/10/2022. He has restricted his challenge to order dated 13/6/2023.

4] The learned Counsel for the applicant submits that the delay has been caused because he had challenged the order before the District Judge, but later on came to know that the order ought to have been

challenged before this Court. Thus, the applicant approached wrong forum.

5] The learned Counsel for the non-applicant has no objection if the application is allowed.

6] In view of above and for the reasons set out in the application, the same is allowed. Delay of 90 days in challenging order dated 13/6/2023 passed below Exh. 31 by the 12th Joint Civil Judge Senior Division, Nagpur in Regular Civil Suit No. 656/2022, is allowed.

7] It is clarified that delay in challenging order dated 18/10/2022 passed below Exh. 5 has been not condoned as not pressed for orders and, therefore, the appeal as is filed will be treated as appeal against order dated 13/6/2023 passed below Exh. 31.

8] The Civil Application is disposed of.

APPEAL AGAINST ORDER ST. NO. 112/2024

9] Appeal be registered and processed as per Rules.

(ANIL L. PANSARE, J.)

Sumit