



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

Civil Application (CAS) No. 1289 of 2023

in

Second Appeal St. No. 19253 of 2023

[Umrao Shyamraoji Nawale ..vs.. Amar s/o Sukhdeorao Gedam]

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

Court's or Judge's orders

Ms. A. R. Sharma, Advocate for the applicant

CORAM : ANIL L. PANSARE J.

DATED : 30-01-2024

Heard.

2. By the present Application, the Applicant is seeking to condone the delay of 62 days in filing Appeal against the judgment and decree dated 5-4-2023 passed by the first appellate court in Regular Civil Appeal No. 52/2016.

3. The learned counsel for the applicant submits that delay has caused because the applicant took some time to get requisite papers as directed by the Counsel. It is then submitted that from January, 2023 the process of filing second appeal has been made compulsorily through online. Because of technical difficulty, the appeal could not be submitted.

4. The non-applicant though served, has not appeared. The reasons put forth by the applicant are, thus, not controverted.

5. In view of above and for the reasons set out in the application, the civil application is allowed as prayed for.

6. The delay of 62 days caused in filing the appeal stands condoned.

7. Second appeal be registered and process in accordance with rules.

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8. Heard for sometime.

9. The contract under question is for sale/purchase of immovable property. One of the contentions is that time is essence of contract. The agreement of sale is not placed on record. The appellant shall file copy of agreement.

10. Stand over to 12th February, 2024.

(Anil L. Pansare, J.)