



1471-2023

1

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

CIVIL APPLICATION NO. 1471 OF 2023
IN SECOND APPEAL ST. NO. 22461 OF 2023

(Chandrashekar s/o Digambar Mendhe Vs. Prashant s/o Premchandji Tated)

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

Court's or Judge's orders.

Shri R.D. Wakode, Counsel for the applicant/appellant.
Shri A.A. Dhawas, Counsel for the non-applicant/respondent.

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CORAM : ANIL L. PANSARE, J.
APRIL 22, 2024.

By present application, the applicant is seeking to condone delay of 104 days in filing Second Appeal.

2] The learned Counsel for the applicant has invited my attention to paragraph 4 of the application, wherein the applicant has stated that he suffered from Lumber Disc Lesion with Radiculopathy and was advised rest for the period from 16/6/2023 to 16/8/2023 and, hence, could not approach the Counsel at Nagpur. Thereafter, he approached the Counsel, who sought additional documents, which were received by the applicant in September, 2023. The appeal was accordingly filed in October, 2023.

3] The application is opposed by the non-applicant on the count that the delay is not properly explained.

4] To my mind, the delay has been justified inasmuch as the applicant was not keeping well and,

thereafter, at the instructions of the Counsel, was required to obtain additional documents. The delay is definitely not intentional. This *bona fide* delay, considering the reasons assigned, needs to be condoned and stands condoned accordingly.

5] The Civil Application is disposed of.

SECOND APPEAL ST. NO. 22461/2023

6] The appeal be registered and processed as per Rules.

(ANIL L. PANSARE, J.)

Sumit