



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD

115 WRIT PETITION NO. 13632 OF 2024

Prabhu Uttam Chavan

VERSUS

Dattu Maruti Salunke And Others

...

Mr. Dinkar G. Kamble, Advocate for the Petitioner

Mr. Abhijit S. More, Advocate for Respondent No.1

...

CORAM : ROHIT W. JOSHI, J.

DATE : 18<sup>th</sup> AUGUST, 2025

P.C.:

1. In view of the settled legal position that rejection of application for condonation of delay in filing First Appeal under Section 96 of the Code of Civil Procedure deserves dismissal of the appeal itself, appropriate relief for the petitioner is to file Second Appeal against the said order. The petitioner has filed petition instead.

2. In view of the above, writ petition is **dismissed** with liberty to the petitioner to file Second Appeal challenging the impugned order by which application for condonation of delay in filing First Appeal is rejected. It will be open for the petitioner to contend that time spend in prosecuting the present petition should be excluded for limitation in view of Section 14 of the Limitation Act, 1963.

[ROHIT W. JOSHI J.]