

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8497 OF 2023

SHABNOOR
AYUB
PATHAN

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SHABNOOR AYUB
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Nayan Rajaram Chipare & Anr. ... Petitioners
V/s.
Rajaram Bharmu Chipare & Ors. ... Respondents

Mr. Umesh Mankapure for petitioners.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 24, 2025

P.C.:

1. The order impugned rejected an application for condonation of delay in filing the appeal under Section 96 of the Code of Civil Procedure, 1908, such order has force of decree. Hence, remedy is to the petitioner to file second appeal.
2. The writ petition is, therefore, dismissed with liberty to the petitioner to file second appeal.
3. The period spent in bonafide prosecuting the present petition needs to be sympathetically considered by the appropriate Court while considering the application for condonation of delay.

(AMIT BORKAR, J.)