



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

CIVIL APPLICATION (CAS) NO.744/2025
IN
SECOND APPEAL ST. NO.18328/2024

Smt. Kamal Anandrao Borkar and others
...Versus...
Anusaya Anandrao Borkar and another

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

Court's or Judge's orders

Mr. R.L. Kadu and Mr. Kunal Dhoble, Advocates for applicants

CORAM : ROHIT W. JOSHI, J.
DATE : 24/11/2025

1. Notice to respondents is awaited. However, Advocate Mr. V.N. Morande appears in the matter and makes a statement that he has instructions to appear in the matter on behalf of the respondents. He states that he has filed Second Appeal No.30/2024 on behalf of the respondents, challenging the same judgment and decree, which is impugned in the present second appeal.

2. The applicants have made a statement in paragraph No.2 of the civil application that the second appeal was filed by Online mode within the prescribed period of limitation. However, due to some technical problem, office objections could not be removed and therefore, second appeal is filed afresh, as a consequence of which, delay is caused in filing the second appeal.

3. Mr. Morande, learned Advocate for the respondents states that there is no material on record in

support of the said contention. However, the respondents have filed a substantive appeal, challenging the decree being Second Appeal No.30/2024. The said appeal is yet to be admitted. The present appellants could well have filed a cross-objection in Second Appeal No.30/2024. Since the said appeal is not admitted, the cross-objection would be within limitation.

4. In view of the above, in the considered opinion of this Court, it will be just and proper to condone the delay caused in filing second appeal in order to enable the appellants to contest the decree on merits.

5. In view of the above, Civil Application is allowed. Office to register Second Appeal St. No.18328/2024 and list the same for hearing on admission on 03/12/2025 with Second Appeal No.30/2024.

6. Civil Application stands disposed of accordingly.

(ROHIT W. JOSHI, J.)