



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

CIVIL APPLICATION (CAS) NO.1079/2022
IN
SECOND APPEAL ST. NO.14489/2022

Pandhari S/o Ramaji Warjurkar
...Versus...
Shrihari S/o Ramaji Warjurkar and others

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

Court's or Judge's orders

Mrs. S.P. Giratkar (Giripunje), Advocate for applicant/appellant
Mr. C.N. Funde, Advocate for respondent Nos.1, 6, 7 (a) to 7 (c) & 8

CORAM : ROHIT W. JOSHI, J.
DATE : 01/10/2025

1. There is a delay of around 892 days in filing second appeal. The appeal arises out of a suit for partition and separate possession.
2. Learned Advocate for the appellant states that the appellant has no grievance with respect to the decree passed by the learned first Appellate Court except for the property bearing Gat No.78 admeasuring 0.90 H.R. and states that the decree with respect to other property can be executed. Learned Advocate states that the appellant has no objection for execution of decree with respect to other properties.
3. The delay is explained stating that the appellant is an old person aged about 76 years. It is stated on oath that the appellant was suffering from various ailments on account of advanced age and he is required to take treatment frequently.
4. Although the application is strongly opposed by the respondents, in the considered opinion of this Court, it will

be appropriate to grant one opportunity to the appellant to contest the appeal particularly since a statement is made across the bar that the appellant has no objection for execution of decree pertaining to all properties except for one property as mentioned above. The civil application is allowed accordingly by condoning the delay. However, having regard to the delay, the appellant is directed to pay costs of Rs.10,000/- with Advocate Bar Association, Naghbid. The cost be paid on or before 17/10/2025.

5. Office to register the appeal and place the same for admission on 06/11/2025.

(ROHIT W. JOSHI, J.)