



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

CIVIL APPLICATION (CAS) NO.1506/2023

IN

SECOND APPEAL ST. NO.17958/2023

Mr. Irshadkhan S/o Mushtafakhan Pathan

...Versus...

Mrs. Nanda Nilkanth Mandape (Dead)

Asha Nilkanth Mandape and others

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

Court's or Judge's orders

Mr. Shriram Deoras, Advocate for applicant
Mr. I.G. Meshram, Advocate for respondent No.1 (a to d)

CORAM : ROHIT W. JOSHI, J.

DATE : 17/11/2025

1. This is an application, seeking condonation of delay of 261 days caused in filing the second appeal.
2. The applicant has stated that financial constraints and time consumed in searching Advocate at Nagpur is the main cause for the delay. It is stated that the delay is not intentional or deliberate.
3. The respondents have filed reply, opposing the application. It is contended that the applicant is a seasoned litigant and that the excuse offered in the explanation is not believable.
4. Perusal of the reply will indicate that although that statement that the applicant is a poor person is disputed, the respondents have not elaborated the said aspect further. There is no reason to disbelieve the statement, made by the

applicant on oath that the appeal could not be filed within limitation due to financial constraints.

5. For the reasons aforesaid, Civil Application is allowed. The delay caused in filing second appeal is condoned. Office is directed to register the second appeal and list the same for hearing on admission on 27/11/2025.

(ROHIT W. JOSHI, J.)

Wadkar