



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

Civil Application [CAS] No.1453 of 2023

in

Second Appeal St.No.19887 of 2023

Sau. Jayashri w/o Arunrao @ Arvind Taderaao

vs.

Chintaman s/o Anantrao Kothekar 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. Parag Bezalwar with Mrs. Anuprita Mishrikotkar, Advocates for the
Applicant/Appellant.*

CORAM : M.W. CHANDWANI, J.

DATE : 13th FEBRUARY, 2025.

Heard.

02. This is an application for condonation of delay of 278 days caused in filing the second appeal.

03. The contention is that the Counsel engaged in the lower appellate Court has not informed about passing of judgment impugned by the lower appellate Court on 20/06/2022. When the applicant approached her Counsel on 03/07/2022 for inquiring about the development in the matter, then she came to know about the impugned order. It is further contended that since her daughter begotten a child and had come to applicant's house, the applicant skipped the Court matter. The applicant, being a lady, has to deal with the legal proceedings, she contacted her Counsel and gave instructions. However, due to marriage in the family of her Counsel, there was a delay of 278 days caused in filing the appeal.

04. Nobody has appeared on behalf of the non-applicant. Non-applicant No.2, the Counsel representing the appellant before the

lower Court filed an affidavit mentioning that the decision of the lower appellate Court was immediately informed to the applicant and she was well aware about the same.

05. Perusal of the averments and a copy of invitation card tendered across the bar, I find substance insofar as the reasons mentioned in the application that the applicant's daughter begotten a child during the relevant period and even her Counsel was busy in the marriage of her brother. Now, so far as blaming the Counsel is concerned, it is unfortunate that inspite of showing diligence by the learned Counsel, the applicant is blaming on her Counsel. An apology in this regard is tendered on behalf of the applicant. However, this will not suffice, therefore, the appellant has to pay heavy costs for it.

06. Considering the fact that the matter shall be decided on merits rather than on going into the technicalities and also considering the apology tendered by the applicant to her Counsel, delay in filing the second appeal is hereby condoned. The appeal be registered.

07. The application is allowed subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only) to be paid to the Taluka Bar Association, Tiroda, District Gondia.

JUDGE

**sandesh*