

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

CIVIL APPLICATION (CAS) NO.1110 OF 2024 IN
SECOND APPEAL STAMP NO.24289 OF 2024

Shrihari s/o Ramchandra Nimje Vs. Ramchandra s/o Narayanrao Barwad

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

Court's or Judge's orders.

Ms Siddhi Deshpande, Advocate h/f Shri N.S. Deshpande,
Advocate for appellant.
Shri N.D. Anjankar, Advocate for respondent.

CORAM : M.W. CHANDWANI, J.
DATE : 15.07.2025.

1. By the present application, the applicant seeks condonation of delay of 227 days in preferring the second appeal.
2. The contention is that the judgment came to be passed on 12.10.2023 and the appeal ought to have been preferred within 90 days however due to serious illness of mother of the applicant who ultimately succumbed to illness on 08.07.2024 could not file the appeal within time. The impugned judgment has been passed on 12.10.2023 and mother of the appellant died on 08.07.2024 there is a gap of 277 days in between these two years.
3. Perusal of para 2 of the application would reveal that cause which has been shown is that the last stage of his mother and on that count he could not file the appeal within time. Further, application shows that the mother of the

applicant was ill for considerable period of time prior to her death. No prejudice will be caused to the respondent particularly when no malafide has been brought on record. Hence, the delay in filing the appeal is hereby condoned. Appeal be registered.

4. The application stands disposed of.

JUDGE

Wagh