



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

CIVIL APPLICATION (S) NO. 1137 OF 2025

IN

SECOND APPEAL (STAMP) NO. 330 OF 2025

(SMT. RATNAMALA WD/O HIRALAL @ BHAIYYALAL SHARMA AND ORS VS VISHNU S/O
SHUKKAL BASOLE AND ANR)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. S.G.Karmakr, Advocate for applicants/appellants.

Ms. Radhika Bhusari, Advocate for respondents.

CORAM : ROHIT W. JOSHI, J.

FEBRUARY 23, 2026

- 1) Delay of 419 days is caused in filing the second appeal. The applicant No.1 has filed additional affidavit stating that earlier appeal was filed along with application for condonation of delay on 12/12/2023, and at that time, the delay was around 56 days. After filing of the application, e-filing system had migrated from Module 2.0 to Module 3.0 and during the transition record of earlier application could not be traced.
- 2) The learned counsel has shown original affidavit dated 12/12/2023 filed in support of the application for condonation of delay. Since earlier applicaiton for condonatin of delay with affirmation is available in the records of the learned Advocate, the explanation that appeal was filed earlier with an application for condonation of delay needs to be accepted. As regards delay of 56 days caused in filing the appeal, it is stated that the same could not be filed within limitation due to old age and communication gap between the learned counsel representing the appellants before the learned first appellate Court and the appellants.

- 3) For the reasons stated in the application and the additional affidavit, the application for condonation of delay is allowed.
- 4) List the appeal for hearing on admission on 09/03/2026.

(ROHIT W. JOSHI, J.)