



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

WRIT PETITION NO.609 OF 2026

PUNJABRAO NAMDEORAO JAYALE P.O.A. HOLDER VISHAL P. JAYALE
VERSUS
RAVINDRA RADHAKISAN KASAT

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

Court's or Judge's orders

Mr. R.D. Dhande, Advocate for Petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 22nd JANUARY 2026

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the order dated 02.01.2026, passed by the Court of District Judge-1, Akot, rejecting the application for condonation of delay in filing the appeal under Section 96 of C.P.C.
3. Learned Advocate for the petitioner submits that, during pendency of the application for condonation of delay, an interim order was passed on 12.11.2025, which was in operation till the passing of impugned order. It is pointed out that the petitioner is the original defendant, who had already deposited an amount of Rs.7,60,000/-, before the trial court and the petitioner apprehends that after rejection of the application for condonation of delay, the amount would be withdrawn by the respondent, causing serious prejudice to the rights of the petitioner and rendering the appeal infructuous.
4. In view of this, issue notice to the respondent, returnable after four weeks.

5. The petitioner is permitted to serve the respondent by private mode, in addition to regular mode of service and file affidavit of service in that regard by next date.

6. In the meantime, the respondent may not be permitted to withdraw the amount of Rs.7,60,000/-, deposited by the petitioner, before the executing court.

(PRAFULLA S. KHUBALKAR, J.)

asd