

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL ST. NO.16266 OF 2018

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
<p>Advocate Mohan Devkule i/by Advocate S.S. Raut Present for Appellant.</p> <p style="text-align: center;"><u>CORAM : V.R. KACHARE</u> <u>REGISTRAR (JUDL – II)</u></p> <p style="text-align: center;">Date : 8th January, 2019</p> <p>Office has raised the objection that there is delay in filing First Appeal.</p> <p>The Learned Advocate for the Appellant filed footnote at Page 7 that the impugned Judgment is dated 26/02/2018. Certified Copy of Judgment was applied on 01/03/2018 and the same was ready and delivered on 20/04/2018. The Certified Copy of Decree was applied on 07/03/2018, same was ready and delivered on 21/05/2018. First Appeal is filed on 11/06/2018. Thus, Appeal is with limitation.</p> <p>The Learned Advocate for the Appellant insisted that counted date perused from 21/05/2018 i.e. the date of receipt of Certified Copy of Decree.</p>	

As per amended C.P.C., Appeal can be filed with alongwith Certified Copy of Judgment and order. The Appellant had got Certified Copy on 20/04/2018. Therefore, period for obtaining Certified Copy of Judgment and Order i.e. 01/03/2018 to 20/04/2018 be considered as period required for obtaining Certified Copy. Therefore, considering date of Judgment 26/02/2018 and after deducting necessary period Appeal filed on 11/08/2018 is not in limitation.

Thus objection raised by office is tenable.

Appellant to remove objections within 3 weeks.

sd/-
Registrar (Judl.-II)