

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1195 OF 2014
IN
SECOND APPEAL NO. 601 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Kuldeep Patil for the applicant.
None for the respondents.

**CORAM : K. K. TATED, J.
DATED : 28/09/2015.**

P.C.:

- . Heard learned Counsel for the parties.
- 2 Though the respondents are duly served, no one appeared on behalf of them, when the matter called out.
- 3 This application is preferred by the defendant for condonation of 2 years and 109 days in filing the Second Appeal.
- 4 The reason given by the applicant in paragraphs 2 & 3 of the Civil Application is that because of financial crisis, there has been delay on their part to prefer the Second Appeal. The paragraph 2 and 3 of Civil Application read thus:

“2. The applicants state that the impugned Judgment & Order was passed on 15/07/2011. The applicants states that they applied for certified copies

on 17/01/2014 and received the same on 21/01/2014 but they were going through financial crisis they could not approach the Court in time. The Applicants state that they sought legal advice and were advised to file Second Appeal in the Hon'ble High Court. The applicants state that they were required to arrange for funds for filing Second Appeal in this Hon'ble Court which also took considerable time.

3. The applicants state that in this process there is a delay of days which is completely unintentional. The Applicants state that the delay is absolutely unintentional and due to circumstances beyond their control, hence in the interest of justice the delay be condoned."

5 The learned Counsel for the applicant submits that if delay is not condoned, irreparable loss and injury will be caused to the applicant. He submits that they have good chance of success in the present matter. He submits that this Hon'ble Court be pleased to condon the delay in filing Second Appeal and matter to be heard on its own merits.

6 I heard learned Counsel for the applicant at length. In the present proceeding the Civil Application stands dismissed against respondent no.5 by order dated 13.04.2015 passed by the learned Registrar (Judicial-II). Bare reading of the Civil Application shows that applicant has not shown sufficient cause for condonation of more than 2 years delay in filing Second Appeal.

7 Considering the submissions made by learned counsel for the applicant and averments made in

paragraphs 2 and 3 of civil application, I do not find any reason to allow the present Civil Application.

8 Hence, Civil Application stands rejected.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the
original signed order.