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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 527 OF 2013
IN
SECOND APPEAL STAMP NO. 7944 OF 2013

Shri Vishwanath Vithoba Mane ... Applicant

Vs.

Shri Govind Shripati Salunkhe.. since deceased
through L.R.s

1A. Shri Shahaji Govind Salunkhe and others ... Respondents

Mr.PM.Arjunwadkar, Advocate for Applicant.

Mr.R.R.Salvi, Advocate for Respondent No. 1A.

Mr.Samarth Morey i/b Mr.V.S.Talkute, Advocate for Respondents No.
7A, 8 & 10.

CORAM : R. G. KETKAR, J.

DATE : 20th March 2015

P.C. :

Heard Mr.PM.Arjunwadkar, learned Counsel for the
applicant, Mr.R.R.Salvi, learned Counsel for respondent No. 1A and
Mr.Samarth Morey, learned Counsel for the respondents No. 7A, 8 &
10.

2. This is an application for condonation of delay of 38
days in filing the Second Appeal. Office remark shows that Second
Appeal is abated qua respondent No. 9 as per order dated
18/03/2014 passed by the Registrar (Judicial – II). Second Appeal
stands dismissed against unserved respondent No.1B(2) as per order

dated 12/06/2014 passed by the Registrar (Judicial – II).

3. After hearing learned Counsel appearing for the parties and for the reasons stated in the application, I am satisfied that applicant has made out a sufficient cause for condoning the delay of 38 days in filing the Second Appeal.

4. Hence, Civil Application is allowed in terms of prayer clause (a) with no order as to costs. It is expressly made clear that Second Appeal will proceed against all the respondents, save and except respondents No.9 & 1B(2).

(R. G. KETKAR, J.)