

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

**CIVIL APPLICATION NO. 1407 OF 2015
IN
SECOND APPEAL (ST.) NO. 22095 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Rajesh Patil for the applicant.

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

PC.:

. Heard learned Counsel for the applicant.

2 This application is preferred by defendant no.1A to 1D for condonation of 4 years and 182 days delay in filing the Second Appeal challenging the Judgment and Decree dated 18.10.2010 passed by the Appellate Court in Regular Civil Appeal No. 52 of 2005.

3 The learned Counsel for the applicant submits that original defendant no.1 expired on 10.01.2011 i.e. immediately after the order passed by the Appellate Court. He submits that the applicants were not aware about the order passed by the Appellate Court. Hence, there is delay in preferring

the present Second Appeal in this court. In support of his contention, the learned Counsel for the applicant relies on the reasons disclosed in paragraph 2 to 6 of Civil Application. He submits that applicants have good chance of success in the present matter. He further submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to the applicant. On the basis of these submissions, the learned Counsel for the applicant submits that this Hon'ble Court be pleased to condone the delay in filing the Second Appeal.

4 I heard learned Counsel for the applicant at length. In the present proceeding, the Appellate Court passed Judgment and Decree on 18.10.2010 immediately thereafter, original defendant no.1 filed application for certified copy on 21.10.2010. The same was ready for delivery on 16.11.2010. On the same day, the certified copy of Judgment and Decree was collected by the original defendant no.1.

5 It is to be noted that during the life time of defendant no.1, he has not challenged the Judgment and Decree passed by the Appellate Court.

6 Considering these facts and the reasons given by the applicant in paragraphs 2 to 6 of the Civil

Application, I am of the opinion that applicant has not made out case for entertaining the present Civil Application for condonation of inordinate delay of more than 4 years.

7 Hence, Civil Application stands rejected.

(K.K.TATED, J.)

CERTIFICATE

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