

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

**CIVIL APPLICATION NO.795 OF 2014
WITH
SECOND APPEAL (ST). NO. 30731 OF 2013**

Andu @ Shrirang Shamrao Gavane Applicant

Vs.

Maruti Babu Shinde Respondent

Mr. U.B. Nighot, Advocate for the Applicant.
None for the Respondent

Coram : Smt. R.P. SondurBaldota, J.
Date : 4th March, 2015.

P.C.

1 This Civil Application is for condonation of delay of 4 years, 267 days in filing the Second Appeal. Bare reading of the application is sufficient to show that there is no case whatsoever made out for condonation of the delay. The respondent had filed Regular Civil Suit NO.166 of 2003, which was dismissed by the trial court by it's judgment and order dtd. 24th May, 2006. Being aggrieved by the order of the trial court, the respondent preferred Regular Civil Appeal No.158 of 2006 to the District Court. Notice of the appeal had already been served upon the respondent. The appellate court allowed the

appeal and decreed the suit by the order dtd. 4th November, 2008. Thereafter, the respondent filed Regular Darkhast No.32 of 2009 for execution of the decree passed by the District Court. The decree was executed in the year 2011 and possession of the suit land was taken from the applicant. The present application has been filed more than two years thereafter, for which there is no explanation offered. The application for certified copy of the order of the District Court itself was made two years after loss of possession. The application had been filed on 26th August, 2013 and certified copy was made available to the applicant on the same day. The present application came to be filed two months thereafter. Thus, there is no case whatsoever made out for condonation of delay. The Civil Application is therefore dismissed.

2 In view of dismissal of the Civil Application, which is for condonation of delay in filing the Second Appeal, the Second Appeal also stands dismissed.

(Smt. R.P. SondurBaldota, J.)