

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

**CIVIL APPLICATION NO.2046 OF 2012
IN
SECOND APPEAL (ST.) NO.33766 OF 2012
WITH
CIVIL APPLICATION NO.2045 OF 2012
WITH
CIVIL APPLICATION NO.967 OF 2014
WITH
CIVIL APPLICATION NO.1324 OF 2013
WITH
CIVIL APPLICATION NO.1325 OF 2013
WITH
CIVIL APPLICATION NO.1326 OF 2013
IN
SECOND APPEAL (ST.) NO.33766 OF 2012**

Abdul Karim Rahiman Mulla & Anr.	...	Applicants
Versus		
Sadashiv Vithu Shid & Ors.	...	Respondents

.....
Mr.Kishor Patil, Advocate for the Applicants.
Mr.Vijay Killedar, Advocate for the Respondents.
.....

CORAM : RAVI K. DESHPANDE, J.

DATED : JUNE 26, 2015

P.C.

There is a delay of 6 years and 193 days caused in filing the present Appeal. The explanation given in paragraph nos.2, 3 and 4 of the application is reproduced below:

"2. The Applicants state and submit that the impugned Judgment and Order is dated 18.01.2006. The Applicants state and submit that after passing of the said Decree which was a decree in the nature of Preliminary Decree the Applicants were expecting for a final decree to be passed by the Court below. However, without passing any final decree after completion of proceedings under Section 54 of the C.P.C. the Revenue authorities had scheduled a date on 06.12.2012 for taking possession from the Applicants. The said Notice was received by the Applicants recently. The Applicant thereafter collected the record and decided to file Appeal. It was in these circumstances, delay has been caused.

3 Apart from the same, both the Applicants are Senior Citizens and are ailing from several medical problems. Due to the said medical problems, steps could not be taken.

4 The Applicants state and submits that delay was also caused for collecting several documents and for generating money for filing appeal. Due to the aforesaid reasons, delay has been caused which is unintentional and due to the said bonafide reasons. In the interest of justice the present application be allowed and delay be condoned."

2 The appellants have not challenged the preliminary decree for partition passed by the Court. There is absolutely no explanation for the delay. The application for condonation of delay is dismissed.

3 In view of this, all other applications do not survive and disposed of accordingly.

(RAVI K. DESHPANDE, J.)