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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 428 OF 2014
IN
SECOND APPEAL STAMP NO. 378 OF 2014

Mr.Suresh Sidram Mhetre .. Applicant

Vs.

Siddharam Dattatraya Badure and others .. Respondents

Mr.Surel S.Shah, Advocate for the Applicant.

Mr.I.M.Khairdi, Advocate for Respondents No.1 & 2.

CORAM : R. G. KETKAR, J.

DATE : 27th MARCH, 2015

P.C. :

1. Heard Mr.Surel S.Shah, learned Counsel for the applicant and Mr.I.M.Khairdi, learned Counsel for the respondents No.1 & 2.

2. Office remark shows that appeal is abated qua respondent No.4. Mr.Shah states that rest of the respondents are the heirs and legal representatives of respondent No.4. He, therefore, prayed for deleting respondent No.4 from this application as also from the appeal.

3. On the motion made by Mr.Shah, respondent No.4 is deleted from this application as also from the appeal.

4. This is an application for condonation of delay of 154 days in filing the Second Appeal. Mr. Khairdi invited my attention to

the reply filed on behalf of respondents No.1 & 2 and submitted that applicant has not made out a sufficient cause for condoning the delay.

5. After considering the submissions advanced by the 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. In view thereof, Civil Application is allowed in terms of prayer clauses (b) with no order as to costs. Office is directed to register the appeal, if it is otherwise ready. List the appeal for admission on 23/04/2015.

(R. G. KETKAR, J.)