

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 1054 OF 2014 IN F.A. NO. 3105 OF 2014
WITH
CIVIL APPLICATION NO. 1055 OF 2014 IN F.A. NO. 3105 OF 2014**

Jayant S. Shetty & Anr. ... Applicants
Vs.
Mrs. Lalitamba Chandramouli ... Respondent

Mr. Vishal Kanade i/b. M/s. Chitnis Vaity & Co., Advocate for the applicants.

Mr. Ashutosh Tripathi i/b. Legal Point, Advocate for the respondent.

**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : 27th November, 2015**

P.C.:

Civil Application No. 1054 of 2014 is moved for condonation of delay of 134 days in filing the First Appeal.

2. The learned counsel for the applicants submitted the judgment was passed on 23rd July, 2013 and thereafter an application for certified copy was given, however, the delay was on the part of the appellants to collect the certified copy and then after obtaining the certified copy, when the Appeal was to be prepared, during that period his mother was suffering from cancer and passed in December, 2013, therefore the delay was caused.

3. The learned counsel for the respondent opposed this Application. He

submitted that the suit was filed by the plaintiff for specific performance in the year 1994 and it is decreed.

4. There is a delay of 134 days in filing the First Appeal. The reasons mentioned in the Application justify the delay. Hence, the delay is condoned. Civil Application is allowed.

5. Appeal be registered.

6. In Civil Application No. 1055 of 2014, the learned counsel for the respondent makes a statement that execution proceeding is already started but he will not proceed further in the execution proceedings.

7. The statement made by the learned counsel for the respondent is accept.

8. Place the Appeal for admission and final hearing at the stage of admission on 8th January, 2016, as it is pressed by learned counsel for the respondent.

(MRIDULA BHATKAR, J.)