

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 623 OF 2011
IN
SECOND APPEAL (STAMP) NO. 13098 OF 2008

Parvati Bhikoba Yadav & Anr. ... Applicants
vs.
Kamlabai Vitthal Khomane & ors. ... Respondents

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Mr. Ratnesh Dube i/b Ms. Rutuja Ambekar for the Applicants.
Mr. Prashant Hagane for respondent Nos. 1a) to 1e).
Mr. Prasad Kulkarni i/b Savita Prabhune for Respondent Nos.4 and 5.

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CORAM : K. K. TATED, J.
DATE : 7th OCTOBER, 2015.

P.C.:

Heard learned counsel for parties.

2. This application is for condonation of delay of 92 days in filing the Second Appeal challenging the Judgment and decree dated 20th October, 2007 passed by the Appellate Court in Regular Civil Appeal No.101 of 1997.

3. Office note shows that Civil Application stood dismissed against Respondent No. 1(e) Sou. Vijaya Chandrakant Atole and Respondent No.2 Gulab Tukaram Shelar.

4. Learned counsel appearing on behalf of respondents vehemently opposed the present Civil Application. He submits that

applicants have not shown sufficient cause for condonation of delay. Hence, there is no substance in the Civil Application and same is dismissed with costs.

5. Considering the submissions made by learned counsel for applicants and averments made in Civil Application, I am satisfied, that applicants have made out a case for allowing Civil Application. Hence, the following order:

ORDER

- i) Delay in preferring the Second Appeal is condoned.
- ii) Office is directed to make appropriate noting in cause title of Second Appeal that same stood abated/dismissed against Respondent No.1e Sou. Vijaya Chandrakant Atole and Respondent No.2 Gulab Tukaram Shelkar.
- iii) Civil Application is disposed of accordingly.

(K.K. TATED, J.)