

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1456 OF 2013

IN

SECOND APPEAL (St.) NO.18354 OF 2013

(Rejected Case No.2194 of 2013)

(Shirma Dhondi Mali (decd.) through Ravaso D. Mali Vs. Mahadeo Ramu Mali and Ors.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Dilip B. Shinde for Applicant.

CORAM : R. G. KETKAR, J.**DATE : 27TH MARCH, 2015****P.C.:**

Heard Mr. Shinde, learned Counsel for the applicant.

2. This is an application for condonation of delay of 17 days in filing the Second Appeal. By order dated 11.10.2013, notice was issued to respondents. Office remark shows that respondents No.1/3, 1/5, 1/6, 2 to 5 and 7 to 9 are served. Civil Application stands abated as against respondent No.6 vide Registrar's (Judicial-II)13.03.2014.

3. Mr. Shinde submitted that the applicant has filed affidavit of service dated 06.05.2014 stating therein that respondent No.2 is a power of attorney holder of respondents No.1/1, 1 /2 and 1 /4. He further states that respondents No.1 to 5 are the sons of respondent No.6 and respondents No.7 and 8 are the daughters of respondent No.6. Except respondent

No.6, all the respondents are served. Since legal representatives of respondent No.6 are already on record, he does not wish to take out any proceedings qua respondent No.6.

4. Despite service, respondents have neither entered appearance nor filed any reply opposing the application. In view thereof and for the reasons stated in the application, I am satisfied that applicant has made out sufficient cause for condoning the delay of 17 days. Hence, Civil Application is allowed in terms of prayer clause (b) with no order as to costs. Office is directed to register the Appeal, if it is otherwise ready.

(R. G. KETKAR, J.)

Minal Parab