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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1213 OF 2014
IN
SECOND APPEAL STAMP NO. 19786 OF 2014

Kanayalal Chetandas Jaisinghani .. Applicant

Vs.

Chuharlal Chetandas Jaisinghani and another .. Respondents

Mr.Surel S.Shah, Advocate for Applicant.

Mr.Rakesh Pathak, Advocate for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : 23rd MARCH, 2015

P.C. :

. Heard Mr.Surel S.Shah, learned Counsel for the applicant and Mr.Rakesh Pathak, learned Counsel for the respondent No.1

2. This is an application for condonation of delay of 89 days in filing the Second Appeal. Mr.Shah submitted that applicant as well as opponent No.1 have challenged the judgment and decree dated 31/12/2013 passed by the learned District Judge –04, Pune in Civil Appeal No. 455 of 2008. Since both the parties are aggrieved by that order, they have instituted separate appeals. He also invited my attention to paragraph 9 and submitted that delay may be condoned.

3. On the other hand, Mr.Pathak strenuously opposed the application on the ground that no sufficient cause is made out.

4. I have considered the rival submissions made by the learned Counsel appearing for the parties. It is not in dispute that applicant and opponent No.1 have filed appeals challenging the judgment and decree passed by the District Court. In view thereof and for the reasons stated in paragraph 9 of the application, I am satisfied that applicant has made out a sufficient cause for condoning the delay. Hence, Civil Application is allowed in terms of prayer clause (A) with no order as to costs. Office is directed to register the appeal, if it is otherwise ready.

5. List the appeals for admission on 20/04/2015.

(R. G. KETKAR, J.)