

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application (CAS) No.1396 of 2012

And

Civil Application (CAS) No.1400 of 2012

In

Second Appeal Stamp No.22708 of 2012

(Shri Jaysing Bapu Gole and another v. Balaram Bhiva Talekar, since
deceased, through his legal heirs Shri Govind Balaram Talekar and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Dilip Bodake, Advocate for Applicants.

Shri S.M. Kamble with Shri Sagar Talekar, Advocates for
Respondent Nos.2A to 2E.

Coram : R.K. Deshpande, J.

Dated : 23rd June, 2015

Civil Application (CAS) No.1396 of 2012 :

Notices were issued to the non-applicants/respondents on this civil application. The proposed legal representatives of the respondent No.1 have also been served. Neither any reply is filed, nor the application is opposed.

In view of this, for the reasons stated in the application, the application is allowed. The names of the legal representatives of the respondent No.1 be brought on record.

The civil application stands disposed of.

Civil Application (CAS) No.1400 of 2012 :

Notices of this civil application were issued to the non-applicants/respondents. All the non-applicants/respondents are served. The application is opposed by filing the reply on behalf of the non-applicants/respondent Nos.2A to 2E.

After going through the contents of the civil application and the reply filed, it seems that the delay of 227 days is caused in filing the second appeal. The applicants have given the details in para 8 of the application. It is stated in the said para that when the judgment was delivered, the applicants were absent and, therefore, they were not aware of the said judgment. It is further stated that in the second week of January 2012, the applicants had received a caveat notice filed by the respondents. Thereafter, an enquiry was made. The certified copy was obtained and the appeal was prepared in the month of March 2012. It is further stated that the applicants were trying to obtain the addresses of some of the respondents and they had obtained the death extract of the original plaintiff on 24-5-2012. The details of the heirs of one Devram were obtained in the month of June 2012. This is the explanation furnished by the applicants for the delay of 227 days in filing the second appeal.

In view of above, I find that sufficient cause is made out for condonation of delay. The civil application is allowed. The delay of 227 days in filing the second appeal is condoned with the costs of Rs.2,000/- to be paid to the respondent Nos.2A to 2E, who have opposed the application.

The civil application stands disposed of.

Judge.