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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.948 OF 2016
IN
SECOND APPEAL (STAMP) NO.91 OF 2016

Gulab M. Gole & Ors.	...Applicants
V/s.	
Jaysing M. Gole	...Respondent

Mr.Rajaram V. Bansode for the Applicants.

Mr.Nikhil Wadikar i/b Mr.Nandy Pawar for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 26TH AUGUST, 2016.

P.C. :-

1. An objection about the maintainability of the second appeal as well as the civil application filed by the respondent nos.4, 5 and 6 is raised on the ground that the applicant nos.4, 5 and 6 were not the appellants before the learned District Judge, Satara and thus cannot file the second appeal.
2. Insofar as the prayer for condonation of delay by other applicants are concerned, the respondent has not filed any affidavit in reply.
3. In view of the objection raised by the learned counsel for the respondent about the maintainability of the second appeal as well

as the civil application by the applicant nos.4, 5 and 6, Mr.Bansode, learned counsel appearing for the appellants seeks liberty to transpose the applicant nos.4, 5 and 6 as the respondent nos.2, 3 and 4. The oral application for transposition of the appellant nos.4, 5 and 6 in civil application and in the second appeal and the civil application for stay is allowed. The amendment to be carried out within one week from today.

4. For the reasons recorded in the civil application, the delay of 127 days in filing the second appeal is condoned. The applicants are directed to remove all the office objections within three weeks from today without fail. If all the office objections are removed, place the second appeal on board for admission on 19th September, 2016.

5. The civil application is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)