

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

***CIVIL APPLICATION NO. 746 OF 2014
In
SECOND APPEAL (St.) NO. 3084 OF 2014***

Kashinath Govind Dalavi
(Since deceased through LR's)
Sameer Nivrutti Dalavi & ors.
V/s.

... Applicants /Appellants

Ramu Maruti Dalavi
(Since deceased through LR's)

1A) Shivaji Nathuram Dalavi & ors. ... Respondents.

Mr.Girish Agrawal, for Applicants / Appellants.

Ms.Suvarna Yadav i/b Mr.Dilip Bodake, for Respondent Nos.2A to 2H and 3.

***CORAM : N.M.Jamdar, J.
Friday, 22 July 2016.***

P.C. :-

The Civil Application is filed for condonation of delay of 309 days. The reply has been filed and so also an additional affidavit by the Applicants.

2. Heard learned counsel for the parties. It is stated by the Applicants that the entire transaction took place around 1979 to 1980 and only elder members in the family were aware of the intricacies of this litigation and all the elder members were under medical

treatment and hence there was a delay in filing the Appeal. The learned counsel for the Applicant sought to produce certain medical certificates on record. Considering the rival contentions, I am of the opinion that equities in the Application can be balanced by allowing the application by imposition of costs.

3. The Civil Application is allowed in terms of prayer clause (b) subject to the Applicant paying costs of ₹ 10,000 to the Respondent within period of four weeks from today.
4. Place the Appeal on board as per its C.M.I.S date, after all office objections are removed.

(N.M.Jamdar, J.)