

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

*CIVIL APPLICATION NO.408 OF 2016
IN
SECOND APPEAL (ST) NO.5863 OF 2016
WITH
CIVIL APPLICATION NO.409 OF 2016*

Mohan S. Pasale & Ors. ... Applicants.

V/s.

Maruti S. Pasale,
Since deceased through
L.Rs.-Babanbhai M. Pasale & Ors.... Respondents.

Mr. Mahesh Rawool i/by Shah K.P., Advocates for the
Applicants and Appellants.
Mr. Surel Shah with S.S.Inamdar, Advocates for the
Respondent No.1-A to 1-J(i) and 1-G .

***CORAM : N.M. Jamdar, J.
Friday 17 June, 2016.***

P.C. :-

The civil application is filed seeking
condonation of delay of 2 years and 346 days in filing
second appeal. Reply affidavit has been filed. Heard
learned counsel for the parties. The learned District Judge
Solapur disposed of Civil Appeal No.309 of 2001 and 310
of 2001 and directed that the Plaintiffs and Defendants
Shivgan

have ½ share in the suit property and certain other reliefs. A review application was filed on 26.2.2013. Review application was dismissed on 19.1.2016 and after the certified copy was received on 29.1.2016, the present appeal is filed on 24.2.2016. In view of the pendency of the review application, which was not disposed of by the learned District Judge for a period of 3 years, the present delay has occurred.

2 Considering these circumstances, civil application is allowed in terms of prayer clause (a). Place the appeal on board on 4.7.2016. Ad-interim order to continue till the next date. Leave to amend to specify the names of the Respondent No.1D, 1E and 1F after marriage. Amendment be carried out forthwith.

(N.M. Jamdar, J.)