

Sequeira

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

***CIVIL APPLICATION NO. 712 OF 2015
In
SECOND APPEAL (St.) NO. 8965 OF 2015***

Parashram @ Prashant Bapu Chougule
Minor through G.A.L. mother
Smt.Mandakini Bapu Chougule & anr. ... Applicants /Appellants
V/s.
Ravindra Raghu Chougule & ors. ... Respondents.

Mr.V.B.Rajure, for Applicants / Appellants.
Mr.S.R.Ganbavale, for Respondent No.1.

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

P.C. :-

Leave to amend to correct the name of Respondent No.5 in paragraph No.1 of the Civil Application. Amendment to be carried out forthwith.

2. By this Application, the Applicants seek condonation of delay of 327 days in filing the Second Appeal.

3. The Applicant Mandakini Bapu Chougule has filed Application / Appeal on behalf of herself and her minor son. Miscellaneous Application was filed by the Respondent No.1 for

grant of probate. The Application was allowed. Thereafter the Appeal was filed by the present Appellant which was dismissed by the learned District Judge, Ichalkaranji, by Judgment and Order dated 15 January 2014. In the Civil Application cause made out is that the Appellant did not have much knowledge of the Court proceedings and some of the property was sold by the Respondent No.1. Reply has been filed by which the Application is contested.

4. I have heard learned counsel for the parties. Considering the nature of the proceedings and that the Applicant is prosecuting her own cause and the case of her minor son, I am of the opinion that equities can be balance by imposing costs to allow the Application. Accordingly Civil Application is allowed in terms of prayer clause (b) subject to Applicant paying cost of ₹ 5,000 to the Respondents within period of four weeks from today. Place the Appeal on board as per its C.M.I.S date, after all office objections are removed.

(N.M.Jamdar, J.)