

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

***CIVIL APPLICATION NO. 1432 OF 2015
IN
SECOND APPEAL (ST) NO. 12664 OF 2015***

Shri Sidraya Bhimsha Albane & ors. ... Applicants

v/s

Shri Basavraj Lingappa Albane ... Respondent

Mr. Shrishail Sakhare for the applicants.

None present for the respondent.

Coram: N.M. Jamdar, J.

Dated: 12 August 2016

P.C.:

Heard learned counsel for the Applicants.

2 The suit filed by the Applicants for partition and separate possession was dismissed. Thereafter, the appeal was filed which was dismissed as against the Applicants. The Applicants have approached this Court with delay of two years and eleven days. In the application, it is stated that the Applicants did not get proper advise, so also their financial condition was critical due to loss in agricultural income. They had to arrange for filing the appeal by taking hand loans and in this process the delay was caused.

2 Notice was issued to the Respondent on 2 April 2016. The Registry has endorsed that Respondent is served. None has appeared to contest the application. No reply is filed. The averments made in the application have gone un-controverted.

3 The civil application is allowed in terms of prayer clause (a).

4 Place the second appeal on board for admission as per the C.M.I.S. date, after all the office objections are removed.

(N. M. Jamdar, J.)