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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1696 OF 2008
IN
SECOND APPEAL (STAMP) NO.14345 OF 2008

Shantabai R. Pardi & Ors.	...Applicants
V/s.	
Balu B. Pardhi & Ors.	...Respondents

Mr.Samir Suryavanshi for the Applicants.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 8TH JANUARY, 2016.

P.C. :-

1. By this civil application, the applicants seek condonation of delay of about 3 years 5 months and 28 days in filing the second appeal. The respondents are absent. No affidavit in reply has been filed.

2. A perusal of the civil application indicates that the lower appellate Court had passed an *ex-parte* order. The learned advocate representing the applicants was absent. It is the case of the applicants that the applicants came to know about the said order almost after three years of the date of order passed by the lower appellate Court. The father in law of the applicant expired. She is an

illiterate lady and has lost her husband. The entire responsibility of the family was on the shoulder of the applicant.

3. For the reasons recorded in the civil application, I am of the view that the delay is satisfactorily explained. The civil application is made absolute in terms of prayer clause (a). The delay of three years five months and twenty eight days is condoned.

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

4. Place the second appeal on board for admission on 4th February, 2016.

5. The applicants are directed to remove all office objections before the next date.

(R.D. DHANUKA, J.)