

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 466 OF 2014
IN
SECOND APPEAL (ST) NO. 14055 OF 2013

Anant Narayan Shinde

..... Applicant

VERSUS

Chandrakant Sadashiv Shinde & Ors.

..... Respondents

Mr.N.D.Jaywant for the Applicant.

Mr.Pravin Patil for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 30th SEPTEMBER, 2016

P.C.

By this civil application, the applicant seeks condonation of delay of 2 years and 157 days in filing the second appeal. The only reason rendered in the civil application is that the applicant is 76 years old and is not keeping good health since last more than three years. He was under impression that his son would contact the advocate during his sickness. Neither he could attend the proceedings nor his son attended the proceedings. It is averred that due to his old age, the applicant was unable to visit Mumbai and delay is not deliberate and is beyond control of the applicant.

2. The delay is vehemently opposed by the learned counsel for the respondents on the ground that the delay is not satisfactorily explained.

3. Considering the old age of the applicant and on payment of cost of Rs.15,000/- which shall be paid by the applicant to the respondents within four

weeks from today, delay in filing second appeal is condoned. It is made clear that if the payment of Rs.15,000/- is not made within four weeks from today, this order of condoning delay in filing second appeal to stand vacated forthwith.

4. If the payment of cost is made, the applicant shall remove all office objections within two weeks from the date of making payment of cost. If second appeal is numbered, place the second appeal on board for admission on **21st November, 2016.**

[R.D. DHANUKA, J.]