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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1643 OF 2015
IN
SECOND APPEAL (STAMP) NO.13824 OF 2015

WITH
SECOND APPEAL NO.555 OF 2016

Ganpat B. Kadam (Rawale),
since deceased through
His L.Rs. - Smt.Anjirabai G. Kadam & Ors. ...Applicants
V/s.
Gunaji B. Kadam (Rawale) ...Respondent

Mr.Onkar Warange for the Applicants.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 26TH AUGUST, 2016.

P.C. :-

1. Learned counsel appearing for the applicants invited my attention to the averments made in the civil application and also to the averments made in the affidavit in reply filed by the respondent opposing the civil application for condonation of delay of 104 days.

2. None appeared for the respondent when the matter was called out. With the assistance of the learned counsel for the applicants I have perused the averments made in the civil application

and also the averments made in the affidavit in reply filed by the respondent. The respondent has opposed the delay on the ground that the delay is not properly explained. In my view, the applicant has properly explained the delay of 104 days in filing the second appeal.

3. For the reasons recorded in the civil application, the delay of 104 days in filing the second appeal is condoned. The applicants are directed to remove all the office objections within two weeks from today without fail. If all the office objections are removed by the applicants within two weeks from today, place the second appeal on board for admission on 3rd October, 2016.

4. The delay in other connected Second Appeal No.555 of 2016 arising out of the said judgment and decree is already condoned by this Court.

(R.D. DHANUKA, J.)