

*Sequeira*

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

***SECOND APPEAL NO. 512 OF 2016.***  
***Along with***  
***CIVIL APPLICATION NO. 1044 OF 2016***  
***(For status-quo & stay)***

|                               |                             |
|-------------------------------|-----------------------------|
| Shri Pandurang Chandru Pukale | ... Appellant/<br>Applicant |
| V/s.                          |                             |
| Shri Jyotiram Chandru Pukale. | ... Respondent.             |

Mr.A.V.Anturkar - senior Advocate a/w Mr.Prathamesh Bhargude  
and Mr.Abhay Anturkar i/b Mr.S.B.Deshmukh, for the Appellant &  
Applicant.

Mr.Manoj Patil i/b Ms.Suman Lengare, for Respondent No.1.

***Coram : N.M. Jamdar, J.***  
***Monday, 11 July, 2016.***

**P.C. :-**

The learned counsel for the Appellant seeks leave to delete Respondent Nos.2 and 3 in view of the earlier order passed in Writ petition No.9977 of 2013 arising from the same proceedings where the other Respondents were deleted since Respondent No.1 -Plaintiff is the only contesting Respondent and other Respondents are formal parties. The permission to delete Respondent Nos.2 and 3 through their heirs is granted. Amendment to be carried out forthwith.

2. **Admit** on the question of law “Whether the Appellant had made out sufficient cause as stated in the Application for condonation of delay of two years and six days in filing the First Appeal in the District Court”. By consent, taken up for final disposal forthwith. The printing of paper book dispensed with.

3. I have heard the learned counsel for the parties.

4. It is not necessary to go into the details of factual position and the rival contentions in view of the statement made by the learned counsel for the Respondent No.1-original Plaintiff. He submitted that the pendency of these proceedings has caused great hardship to the Respondent No.1 and to save any further time, which may be spent due to remand of the proceedings for lack of any reasons in the impugned order, the Application for condonation of delay can be granted by allowing this Appeal. Considering the age of the parties and that the dispute is long pending, the stand taken by the counsel for the Respondent No.1 is appropriate. In view of this consensus at the bar, the question of law will have to be answered accordingly.

5. The Second Appeal is accordingly allowed. The impugned Judgment and Order passed by the learned District Judge dated 13 June 2016 is quashed and set aside and Miscellaneous Civil

Application No.102 of 2013 filed by the Appellant in the District Court, Sangli is allowed. The learned District Judge will make an endeavour to dispose of the Appeal on or before 31 December 2016. All contentions of the parties are kept open. The Registry shall send the copy of the order to the learned District Judge forthwith. The learned counsel for the parties will instruct their respective clients to be present before the learned District Judge, on 20 July 2016.

6. The Application filed by the Appellant for stay of the execution proceedings will stand revived in the First Appeal. The protection granted by this Court shall continue for a period of six weeks from today. The continuation thereafter will be considered on its own merits by the learned District Judge, Sangli in the Application for stay filed by the Appellant without being influenced by the protection granted by this Court earlier.

7. The Civil Application stands disposed of accordingly.

*(N.M. Jamdar, J.)*