

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

***CIVIL APPLICATION NO. 137 OF 2016
IN
SECOND APPEAL (ST) NO. 26705 OF 2015***

Mr.Rangrao Ganpati Chougule(Nalawade) ... Applicant
v/s
Dattatraya Ganpati Cougule (Nalawade)
& anr. ... Respondents

Mr.Shailesh Chavan i/by Bhushan Walimbe for the applicant.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 12 August 2016

P.C.:

By this application, the Applicant is seeking to condone the delay of 288 days in filing the second appeal. The Applicant had instituted a suit for removal of certain structures, which was decreed by the learned Civil Judge. In the appeal filed by the Respondents, the decree was set aside. In the application it is stated that the Applicant is of advanced age and he is suffering from various ailments. It is also stated that the Applicant is not literate and not conversant with legal issues and technicalities and was depending on his advocate to inform him the progress in the matter.

2 Notices have been issued. Respondents are served. Respondents have not appeared to contest the application. The averments made in paragraphs 7 to 9 have gone un-controverted which constitute sufficient cause.

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

4 Place the appeal on board on the next C.M.I.S. date as per its turn and categorization, after all office objections are removed.

(N. M. Jamdar, J.)