

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

***CIVIL APPLICATION NO.559 OF 2015
IN
SECOND APPEAL (ST) NO. 27206 OF 2014***

Shri Govind Krishna Pawar & ors. ... Applicants

v/s

Shri Vasant Shankar Pawar & ors. ... Respondents

Mr.M.G.Bagkar i/by s.C.prabhu for the applicants/ appellants.

Mr.Amogh karandikar i/by Khandeparkar & Associates for Resp.
Nos.3, 4, 6, 7 to 14, 17, 18A to 18D, 19 to 25, 30, 31A to 31C and
32.

Coram: N.M. Jamdar, J.

Dated: 29 July, 2016

P.C.:

The civil application is filed for condonation of delay of 328 days in filing the second appeal. The dispute between the parties, who are related, is in respect of partition of the properties. The Applicant has challenged the judgment and order passed by the learned District Judge, Sindhudurg, partly decreeing the suit. In addition to the averments made in the application, an affidavit dated 28 July 2016 is also filed. In the application, detailed reasons are

given as to why there was a delay. Learned counsel for the Respondent opposes. The reply is filed.

2 I have considered the rival contentions. The Applicant has put-forth medical reasons as well as various other difficulties. It is also stated that the registered clerk, who was entrusted with the filing, has left the employment and an affidavit to that effect by the advocate is also filed. Considering these aspects, I am of the opinion that the equities can be balanced by allowing the application subject to payment of cost.

3 Accordingly, the civil application is allowed in terms of prayer clause (a), subject to the Applicant paying cost of Rs.10,000/- to the Respondent, within a period of three weeks from today.

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

(N. M. Jamdar, J.)