

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

***CIVIL APPLICATION NO. 112 OF 2016
(For condonation of delay)***

***IN
APPEAL FROM ORDER NO. 28876 OF 2015***

Mahadeo Bhagwan Raut & ors.

... Applicants

v/s

Manik Akrur Katkar & ors.

... Respondents

Mr.A.B.Tajane for the applicants and appellants.

Mr.Dilip Bodake for Resp. Nos.1, 2B, 2C, 3 and 4.

Coram: N.M. Jamdar, J.

Dated: 29 July, 2016

P.C.:

The application is filed seeking condonation of delay of 54 days in filing the appeal from order.

2 Heard learned counsel for the parties. Learned counsel for the Respondents opposes. Perused the application.

3 The order dated 11 July 2014 impugned in the appeal is of

remanding the proceedings to the Trial Court. The Applicants have succeeded in the Trial Court and decree was granted in their favour. Considering this position, I am of the opinion that an opportunity needs to be given to the Applicants to put-forth their case on merits. As regard the contention of the learned counsel for the Respondents as regard delay, it is clarified that, though the civil application is allowed, the argument of the Respondents that the Applicants were not diligent enough, is kept open to be considered at the time of hearing of the appeal.

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

(N. M. Jamdar, J.)