

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14405 OF 2015
IN
SECOND APPEAL STAMP NO. 14220 OF 2015

Pankaj Sambhaji Kate .. Applicant

vs

Jayashree Bhaskarrao Ritupre,
deceased, through legal representatives:

Bhaskar s/o Babasaheb Ritpure and ors. .. Respondents

Ms. Madhuri Kakade, Advocate h/f Mrs. M.D. Thube-Mhase, Advocate
for applicant

Mr. A. V. Hon, Advocate for respondents no.1 to 4 - caveators

CORAM : SUNIL P. DESHMUKH, J.

DATE : 24th February, 2017

ORDER :

1. Heard learned counsel for the applicant.
2. Learned counsel for the applicant submits that under an erroneous impression, although second appeal was ready, could not be filed since, according to her, affidavit in interim relief application was to be sworn and thus a notion had been carried that it would be imperative to file appeal along with civil application for interim relief. Thus, delay of seven days has occurred in filing second appeal.
3. Learned counsel for the respondent purports to submit that the reasons given may not be amenable for consideration of condonation of delay.

4. Be that as it may, explanation appears to be honest and genuine and as such it would be appropriate to grant civil application.

5. Civil application accordingly stands granted in terms of prayer clause (B) and is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd