

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

**CIVIL APPLICATION NO.170 OF 2016
IN
APPEAL FROM ORDER (ST) NO.2844 OF 2016**

Dattatraya Vithu Kumbhar & Anr. ...Applicant
Versus
Parvatatai Shankar Mhalungekar & ...Respondents
Ors.

.....

Mr.Abhijit M.Adagule for the Applicant.
Mr.Kedar P.Lad for Respondent Nos.1 to 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED:13th JUNE, 2017.

P.C.:-

1. Heard the learned Counsels for the respective parties. By this application the Applicant has sought to condone the delay of 2 years 168 days in filing the Appeal.
2. The averments in para 9 of the application reveal that the impugned judgment and order was passed on 3.5.2013 and the certified copy was applied for on 11.6.13 and delivered to the Applicants on 20.6.2013. The Applicant/Appellant has stated that he had inadvertently challenged the said impugned order in second Appeal No.602 of 15, which was filed on 12th August 2013. The appeal was withdrawn on 10th September 2015.

3. Considering that the Applicants had bonafidely filed a second appeal before wrong forum, the delay in filing this appeal is condoned.
4. Hence the application is granted . The delay is condoned. Appeal be registered, upon removal of office objections, if any.

(ANUJA PRABHUDESSAI, J.)