

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.1049 OF 2016
IN
SECOND APPEAL (STAMP) NO.3511 OF 2016
WITH
CIVIL APPLICATION NO.1050 OF 2016
IN
SECOND APPEAL (STAMP) NO.3511 OF 2016**

Barku Kashiram Thakare

(Since deceased through his heirs)

...Applicants

vs.

Themabai Dashrath Chaudhari, (dead) & Ors.

...Respondents

....

Mr. Machhindra A. Patil, for the Applicants.

.....

CORAM : S.C. GUPTE, J.

DATED : 10 MARCH 2017

P.C. :

. Heard learned Counsel for the parties.

2. Civil Application No.1049 of 2016 is for condonation of delay of 235 days in filing the present Second Appeal. The reason for delay, as stated by the Applicants, is that there were settlement talks between the parties. There is no contest on reasons disclosed by the Applicants in support of their application for condonation of delay. In the premises, for the reasons stated in the Civil Application, the delay is condoned. Civil Application No.1049 of 2016 is disposed of accordingly. The Second Appeal to come up for admission on 10 April 2017. Learned

Counsel for the Respondents waives service of the Second Appeal.

3. Issue notice to the Respondents in the Second Appeal returnable on 10 April 2017. The Applicants are also permitted to effect a private service on the Respondents and file an affidavit of service by the next date. Stand over to 10 April 2017.

(S.C. GUPTE, J.)