

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.674 OF 2015

IN

SECOND APPEAL (STAMP) NO.7082 OF 2015

WITH

CIVIL APPLICATION NO.675 OF 2015

IN

SECOND APPEAL (STAMP) NO.7082 OF 2015

Smt. Taibai Motiram Bhagat & Ors. ...Applicants

vs.

Shri. Gopinath Babu Patil ...Respondent

....

Mr. D.B. Shinde, for the Applicants.

Mr. Chintan Shah, i/b. Monica Kshirsagar, for the Respondent.

.....

CORAM : S.C. GUPTE, J.

DATED : 10 MARCH 2017

P.C. :

. Learned Counsel for the Respondent tenders a reply. Civil Application No.674 of 2015 is for condonation of delay of 4 years and 166 days in filing the present Second Appeal. The delay is explained in the Civil Application, on the ground that the Second Appeal is from an order of the lower Appellate Court refusing to condone the delay in filing of the first Appeal; that this order was challenged by the Applicants/Appellants by way of a writ petition; and that only after the writ petition was disposed of on the ground that a second appeal lies, the present Second Appeal is filed by the Applicants/Appellants. This is an adequate explanation for the delay. The delay is accordingly

condoned. Office shall now number the Second Appeal and place the same for admission on 4 April 2017. Learned Counsel for the Respondent waives service of the Second Appeal. Civil Application No.674 of 2015 is disposed of accordingly.

(S.C. GUPTE, J.)