

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1645 OF 2015
IN
SECOND APPEAL (ST) NO. 13920 OF 2015
WITH
CIVIL APPLICATION NO. 1224 OF 2017

Shri. Shivaji Abaji tilekar ... Applicant

Versus

Shri. Abaji Govind Tilekar and others ... Respondents

Mr. Sachin Pawar for the Applicant/Appellant.

Ms. Gauri Jadhav for the Respondents.

CORAM : S.J. KATHAWALLA, J.
DATED : 26th SEPTEMBER, 2017

P.C.:

1. The above Civil Application No. 1645 of 2015 is taken out by the Applicant/Appellant seeking condonation of delay of four years and 349 days in filing the above Second Appeal. In the said Civil Application, the Applicant has pointed out lapses on the part of his Advocate which has caused grave delay. Since allegations were made against the Advocate, the Advocate was given an opportunity to file her say, if any. The Advocate appeared on 21st July, 2017 and informed the Court that since she was unwell, the son of the Appellant had taken away the papers from her about 5 to 6 years ago and since then she is not concerned with the matter. From the

documents produced by the Applicant/Appellant which are annexed to the complaint filed against the Advocate with the Bar Council, it prima facie, appears that statement made by the Advocate before this Court is incorrect. In view thereof, the delay is condoned. The above Civil Application No.1645 of 2015 is accordingly disposed off.

2. Place the above Second Appeal for admission on 30th October, 2017, first on board. However, the Bar Council shall decide the complaint without being influenced by this order.

(S.J.KATHAWALLA,J.)