

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.42/2015
IN
SECOND APPEAL (ST) NO.16773/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Yuvraj Gharal i/b Vijay Killedar for the applicant

Mr. Akshay P. Shinde for respondent Nos.1 to 5.

CORAM : K. K. TATED, J.

DATE : DECEMBER 12, 2017

P.C.:

1. Heard. This Application is for condonation of delay in preferring the Second Appeal. The learned counsel for the Applicant submits that the impugned judgment and decree was passed by the courts below on 25.10.2012. Thereafter they immediately applied for certified copy. At that time they noticed the names of the Defendants were incorrectly recorded. Hence, they applied u/s.151 and 152 of the Code of Civil Procedure, 1908 vide Application dated 21.12.2012. He submits that thereafter they obtained fresh certified copy of the impugned order and filed the present appeal. In support of this statement, the learned counsel for the Applicant relies on para 3 of the additional

affidavit in support of the Civil Application dated 04.05.2017.

2. The learned counsel for the Respondent vehemently opposed the Civil Application. He submits that the Applicant has not shown sufficient cause for condonation of delay.

3. Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed by the Applicant in para 3 of the additional affidavit in support of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4. Hence, following order is passed.

a. Delay in preferring the Second Appeal is condoned.

b. Civil Application stands disposed of accordingly.

c. No order as to costs.

JUDGE