

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 1233 OF 2017****IN****SECOND APPEAL (ST) NO. 21406 OF 2017****WITH****CIVIL APPLICATION NO. 1235 OF 2017**

Shri. Balu Shankar Pawar and another ... Applicants

Versus

Smt. Kamlabai Vishvanath Pawar and another ... Respondents

ALONGWITH**CIVIL APPLICATION NO. 1236 OF 2017****IN****SECOND APPEAL (ST) NO. 21422 OF 2017**

Mr.N.M. Pujari i/by Mr.P.N. Joshi for the Applicants in all the Civil Applications and Appellants in both the Second Appeals.

Mr.Vikram Walawalkar i/by Mr.S.M. Sabrad for the Respondent Nos.1 and 2 in all the Civil Applications and Second Appeals.

CORAM : S.J. KATHAWALLA, J.**DATED : 19th SEPTEMBER, 2017****P.C.:**

1. By the above Civil Application No.1233 of 2017, the Applicants seek condonation of delay of 585 days in filing the above Second Appeal (St) No.21406 of 2017. The reason given by the Applicants that the Applicant No.1 was unwell is not at all convincing. The Medical Certificate annexed to the Application shows that the Applicant is 70 years old which is not correct. However, in order to give an

opportunity to the Appellants/Applicants to impugn the orders passed by the Trial Court as well as First Appellate Court, the above Civil Application No.1233 of 2017 is allowed, subject to payment of costs of Rs.10,000/- to the Respondents. The Appellant No.1 who is present in Court undertakes to pay costs of Rs.10,000/- to the Respondents within a period of three weeks from today. The undertaking is accepted.

2. The appellants/Applicants shall remove office objections within a period of two weeks from today. Place the above Second Appeals for admission on 10th October, 2017, high on board.

3. The Appellants/Applicants shall not be dispossessed by the Respondents upto 10th October, 2017.

(S.J.KATHAWALLA, J.)