

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION**

**CIVIL APPLICATION NO. 637 OF 2016
IN
CIVIL REVISION APPLICATION (ST.) NO. 23247 OF 2016**

Vitthal Dhulappa Sidha .. Applicant

v/s.

Vishnu Shankar Patil .. Respondent

Mr. Vinayak U. Gaikwad for the applicant
None for the respondent

**CORAM : M.S. SANKLECHA, J.
DATED : 26th SEPTEMBER, 2017**

P.C.

1. Mr. Gaikwad, learned Counsel appearing for the applicant in this Civil Application states that all the respondents have been served and the affidavit of service dated 26th October 2016 is on record. None appears on behalf of the respondent no.5 although *Vakalatnama* is filed. This Civil Application has been taken out in the Civil Revision Application (CRA).

2. This Civil Application seeks a condonation of 236 days delay in filing the accompanying CRA against the order dated 4th September,

2015 passed by the 3rd Joint Civil Judge, Junior Division, Islampur, Dist. Sangli. The application points out that the order dated 4th September, 2015 was challenged by the petitioners by filing an appeal before the District and Session Judge, at Islampur, Sangli. On 27th April, 2016 the District Judge, Islampur, dismissed the petitioner's appeal. The above appeal was dismissed as the impugned order dated 4th September, 2015 was not an appealable order. Thus, for the reasons indicated in the affidavit the aforesaid period is excludable u/s 14 of the Limitation Act, 1963 as time spent bona fide in prosecuting an appeal in a Court without jurisdiction. Further delay of 17 days is condoned for the reasons indicated in the application.

3. Therefore, for the reasons set out in the application the delay 236 days delay in filing the accompanying the CRA is condoned.

4. Accordingly, the Civil Application is allowed in terms of prayer clause (a).

(M.S. SANKLECHA, J.)