

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.234 OF 2017
IN
SECOND APPEAL (ST) NO.24522 OF 2016**

Appa Shankar Kokani (Suryavanshi) and Ors. ... Applicants
versus
Dundya Pandu Kokani (deceased)
and Mhalu Dundya Kokani and Ors. ... Respondents

Mr. A.B.Tajane, for Applicants.

Ms. Pooja Joshi, for Respondent Nos.1A, 2A (i), (ii), (iii), (iv), 2B, 2C, 2D, 2F, 2G, 2H, 2I, 2J, 3 to 6, 7A, 7B, 7C and 11.

CORAM: S.J. KATHAWALLA, J.

DATE: 15th SEPTEMBER, 2017

P.C.:

1. Heard the learned Advocates for parties. Though the other Respondents are served, they are not present before the Court. For reasons set out in paragraph Nos.14, 15, 21 and 22 the Civil Application is allowed and the delay of 2 years and 30 days in filing the above Second Appeal is condoned. All contentions of the parties are kept open. The Civil Application is accordingly disposed off.

2. Place the Second Appeal for Admission on 28th September, 2017. The learned Advocate for the Respondents waives service. A copy of this order along with a copy of the Second Appeal as well as Civil Application shall be served on the unserved Respondents by the Advocate for the Applicants.

(S.J.KATHAWALLA, J.)