

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

**CIVIL APPLICATION NO. 1432 OF 2016  
IN  
SECOND APPEAL (ST) NO. 25189 OF 2016**

**ALONGWITH**

**CIVIL APPLICATION NO. 1433 OF 2016**

Shri Laxman Gangadhar Kadali ...Applicant

vs.

1.Kaushabai Dada Kadali,  
deceased,

2. Pandurang Dada Kadali & Ors. ...Respondents

Mr.Sachin Padaye I/b. Girish Agrawal for Applicant.

Mr.Swapnil Walve for Respondent Nos.2 to 8.

Mr.Ashok Pandire for Respondent No.9.

**CORAM : S.C. GUPTE, J.**

**24 FEBRUARY 2017**

**P.C.:**

Heard learned Counsel for the parties.

2 Civil application No.1432 of 2016 is for condonation of a delay of 303 days in filing the second appeal. The delay is explained in the civil application.

3 It is submitted that the second appeal challenges an order passed by the first appellate court refusing to condone the delay in filing the first appeal. The Applicant had initially filed a writ petition challenging this order, and only after its disposal, has preferred the present second appeal. This is an adequate explanation. The civil application is allowed in

terms of prayer clause (b).

4           Office shall now number the second appeal and shall place the same for admission on 29 March 2017. The Respondents waive service. Ad-interim stay granted in Civil Application No.1433 of 2016 shall continue to operate till 29 March 2017.

**(S.C. GUPTE, J.)**