

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

**CIVIL APPLICATION NO.533 OF 2016
IN
SECOND APPEAL (ST) NO.27574 OF 2015**

Dattatray Tukaram Gaikwad ... Applicant

Versus

Dr. Kiran Jitendra Narade & Anr. Respondents

None for the Applicant

Manali Kaprekar i/b A. M. Kulkarni for Respondent No.1.

CORAM : S.C.GUPTE, J.

DATE : 17 FEBRUARY 2017

P.C. :

1. Heard Learned Counsel for the Respondents. The Applicant is absent though duly served.

2. This application seeks condonation of a delay of 200 days in filing the present Second Appeal. The Second Appeal challenges the first appellate order rejecting the Appellant's application for condonation of delay resulting in confirmation of a decree and judgment of the Trial Court against Appellant. The explanation submitted in the application is that this rejection of the condonation application was initially challenged by the Applicant before this Court in a writ petition and only after the disposal of

the writ petition, the present application is taken out. This is an adequate explanation. The Civil Application is allowed in terms of prayer Clause 'A'. The Second Appeal shall now be numbered by the office and shall appear on board for admission on 27 March 2017.

(S.C.GUPTE, J.)