

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

**CIVIL APPLICATION NO.357 OF 2017
IN
CIVIL REVISION APPLICATION (ST) NO.28080 OF 2017**

Kamlakar Ganpat Tondwalkar,
Since deceased through his heris & Legal
representative

Shobha Kamlakar Tondwalkar & Ors. ..Applicants

V/s.

Shri.Prabhakar Dattatray Mahajan & Anr. ..Respondents

Mr.Pradeep S. Gole for the Applicants.

Mr.Preeti Walimbe for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 06th OCTOBER 2017

P.C.

1. Not on board. Upon production, taken on board.
2. Heard learned counsel for the parties.
3. Although, the delay in this case is of 2 years and 76 days, the explanation is that against the impugned order, the applicant, had initially instituted Second Appeal. After it was noticed that such Second Appeal is not maintainable, the same was

withdrawn with liberty to institute the present Writ Petition. This explanation, constitute sufficient cause in the facts and circumstances of the present case.

4. Accordingly, the Civil Application is allowed in terms of prayer clause (a). This is subject to payment of cost of Rs.10,000/- payable within a period of four weeks from today.

5. The Civil Application is disposed of.

(M. S. SONAK, J.)