

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

**CIVIL APPLICATION NO.307 OF 2016
IN
SECOND APPEAL (ST.) NO.28846 OF 2015**

Smt. Radhika Sanjay Salunkhe ... Applicant / Appellant
V/s.
Dada Vitthal Salunkhe & anr. ... Respondents

...
Mr. Sachin Gite for the applicant.
Mr. P. B. Gujjar for respondent no.1.
...

CORAM : S. C. GUPTE, J.

DATE : 3 FEBRUARY, 2017.

P.C. :

. Heard the learned Counsel for the parties.

2. This Civil Application seeks condonation of delay of 86 days in filing the present Second Appeal. The delay is explained by submitting that the original impugned Judgment and order of the First Appellate Court, which refused to condone the delay and entertain the Civil Appeal, was challenged by the appellant herein before this Court by way of a writ petition; that the present Second Appeal was moved only after the writ Court held that it had no jurisdiction and that the matter had to be moved by way of a Second Appeal. This is a reasonable excuse. The delay in filing the present Second Appeal is, accordingly, condoned and the Civil Application is allowed in terms of prayer clause (a).

3. The Second Appeal to be numbered and to appear on board for admission on 27 February, 2017

(S. C. GUPTE, J.)