

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

**CIVIL APPLICATION NO. 164 OF 2016
IN
SECOND APPEAL (ST) NO. 29652 OF 2015**

Mrs.Mrunal Vithal Wable	...Applicant
vs.	
Mr.Santoshmal Tarachand Kothari	...Respondent
Mr.Prabhakar G. Jagdale for Applicant.	
Mr.Abhijit Adagule for Respondent	

**CORAM : S.C. GUPTE, J.
24 MARCH 2017**

P.C.:

Heard learned Counsel for the parties.

2 This civil application seeks condonation of delay, which is stated to be of 482 days, in filing the present second appeal. It appears that there was a review application filed in the meantime, since the lower appellate court had only partially allowed the appeal and passed a decree for principal amount and part interest, but omitted to pass a decree for balance interest. In these facts, the delay ought to be condoned. Accordingly, the civil application is allowed in terms of prayer clause (a).

3 Office shall now number the second appeal and place the same for admission on 17 April 2017, subject to removal of other objections. The Respondent waives service of the appeal. The second appeal shall appear for admission along with civil application and Second Appeal No.453/2015.

(S.C. GUPTE, J.)