

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1897/2017
IN
SECOND APPEAL (ST) NO.31013/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Rajeshwar B. Sarkar for the applicant
Mr. R. A. Naik i/b. Umesh Mankapure for
respondent Nos.1 and 2.

CORAM : K. K. TATED, J.
DATE : DECEMBER 20, 2017

P.C.:

1. Heard. This Application is made by the Plaintiff No.1 for condonation of delay in preferring the Second Appeal.

2. The learned counsel for the Applicant submits that because of personal difficulty i.e. the original Plaintiff No.2 met with an accident in between, there was delay on their part to prefer the Second Appeal. She submits that the Respondent No.3A to 3D are formal parties in the Civil Application.

3. The learned counsel for the Respondent Nos.1 and 2 vehemently opposed the Civil Application. He submits that the Applicant has not

shown sufficient cause for condonation of delay. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

4. Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in paragraph 2 to 4 of the Civil Application, I am satisfied that the Applicant has made out a case for condonation of delay in preferring the Second Appeal.

5. Hence, the following order:

- a) Delay in making the Second Appeal is condoned.
- b) The Applicant is directed to remove all office objections in the Second Appeal on or before 31.01.2018, failing which the Second Appeal shall stand dismissed without further reference to the court.
- c) The Applicant to provide a copy of the Second Appeal along with all annexures and the Civil Application, if any, to the advocate for Respondent Nos.1 and 2 on or before 12.01.2018.
- d) Civil application stands disposed off accordingly.

JUDGE