

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

**CIVIL APPLICATION NO. 2649 OF 2016
IN
FIRST APPEAL NO. 1393 OF 2011**

Shri. Nana Vithal Thorat ...Applicant/Appellant

Versus

Smt. Kalpana Deepak Lokhande ...Respondent

Mr.A.L. Bhise i/b Mr.Hiten S. Venegaonkar for the
Applicant/Appellant.

None for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 24 MARCH 2017

P.C.

1. Heard Mr.A.L. Bhise, learned counsel for the appellant.
2. Mr.Bhise states that the paper book in the First Appeal is now ready. He submits that the delay is quite unintentional as it escaped the attention of the advocates, that a conditional order was made. He points out that the appellant is almost 80 years of age and the suit instituted by him was for recovery of possession and mesne profits. For these reasons, he submits that the delay may be condoned and the appeal be restored. This explanation is found to

be satisfactory, since the applicant will gain nothing, by intentionally delaying the proceedings. However, the respondent continues to be in possession of the suit premises.

3. Accordingly, taking into consideration all these circumstances, the delay is condoned. The Civil Application No.2649 of 2016 is allowed in terms of prayer clause (b).

4. The Registry to accept the paper book, which, the learned counsel for the appellant states that he will file within a period of one week from today.

5. The Civil Application is disposed of.

(M. S. SONAK, J.)