

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1378 OF 2016
IN
SECOND APPEAL (STAMP) NO. 6053 OF 2016

Shamrao Babu Shinde – Karande & Ors. .. Applicants
vs.
Shankar Chillu Shelke
deceased through L.Rs. & Ors. .. Respondents

Mr. S. Kadtane i/b. Mr. K. Nikam for Applicants.
Mr. Nikhil Pawar for Respondent Nos. 2A to 2C & 2D(1) to 2D(3).
Mr. Tushar Khairnar i/b. Mr. Umesh Mankapure for Respondent No. 3A.

CORAM : M. S. SONAK, J.
DATE: 23 FEBRUARY 2018

P.C :

- 1] Heard learned counsel for the parties.
- 2] The respondents submits that in the civil application there is hardly any sufficient cause shown and therefore, the delay may not be condoned.
- 3] Upon perusal of not only the civil application but the additional affidavit filed in support thereof, it is seen that the applicants are senior citizens suffering from certain ailments and residing at varied places. It is also pointed out that the financial position of the applicants is not very good. Taking into consideration all these circumstances, including in particular, the circumstance set out in

paragraphs 6 and 7 of the civil application as also the averments made in additional affidavit filed in support of the civil application, sufficient case is made out for condonation of delay of 259 days in the institution of this appeal.

4] Accordingly, this civil application is allowed, the delay is condoned. The civil application is disposed of.

5] The learned counsel for the applicants states that the copy of the memo of appeal along with paper book will be served upon the respondents within a period of two weeks from today.

6] Stand over to 16th March 2018.

(M. S. SONAK, J.)