

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.594 OF 2016 with
CIVIL APPLICATION NO.993 OF 2015
(for stay)**

1. Arvind Yeshwant Kulkarni
2. Smt Parmila Yeshwant Kulkarni

The Appellants
(Orig.Deft.nos.1 & 2)

VS

1. Vinay Madhukar Kulkarni
2. Nalini Shivratna Kulkarni
3. Sunita Sharad Kulkarni
4. Smita Santosh Kulkarni
5. Madhukar Yeshwant Kulkarni
 through his legal heirs
5A. Alka Madhukar Kulkarni
5B. Snehal Sanjeev Kulkarni ..
 ... The Respondents
 (Respt no.1 Orig.Plffs &
 Respt no.2 to 5B Orig.Deft)

Mr.A.Y.Sakhare Sr.Advocate with
Mr.Drupad Patil and Mr.R.M.Nakhwa
I/b Mr.Vasant Dhavan for Appellants

Mr.A.V.Anturkar Sr.Advocate with
Mr.Nagesh Y.Chawan for Respondent
nos.1 and 5 (A) and 5 (B)

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CORAM: A.M.DHAVALA, J

DATE: 8TH OCTOBER 2018

P.C.:

For reasons separately recorded in the Judgment,
following order is passed:

The appeal is allowed as follows :

(i) The Appeal is allowed. The order of rejection of condonation of delay passed by the Ist appellate Court is set aside subject to costs of Rs.10,000/- to be paid to the respondents within a period of fifteen days in the Ist appellate Court.

(ii) On deposit of costs, the appeal shall be taken up for scrutiny.

(iii) The parties shall appear before the Ist appellate Court on **19.11.2018**.

(iv) The Ist appellate Court shall try and dispose of the appeal expeditiously preferably within three months from the receipt of the record and from the date of appearance of the parties.

Civil Application No.993 of 2016 pending in this appeal does not survive and is accordingly disposed of.

Record and proceedings be sent back immediately.

{A.M.DHAVAL, J}

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CORAM: A.M.DHAVALA, J

DATE: 15th OCTOBER 2018

P.C.

1.

{A.M.DHAVALA, J}