

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

**CIVIL APPLICATION NO.1263 OF 2017
IN
SECOND APPEAL (ST) NO.15076 OF 2017
IN
REGULAR CIVIL APPEAL NO.82 OF 2010
IN
REGULAR CIVIL SUIT NO.315 OF 2000**

**WITH
CIVIL APPLICATION NO.1264 OF 2017
IN
SECOND APPEAL (ST) NO.15076 OF 2017
IN
REGULAR CIVIL APPEAL NO.82 OF 2010
IN
REGULAR CIVIL SUIT NO.315 OF 2000**

Mrs. Rukiyabi Ahmed Kazi & Ors.

....Applicants

V/s.

Smt. Chandbi Ahmed Kazi & Ors.

....Respondents

Mr. Omkar K. Shaikh for the Applicants.

Mr. M.S. Kadu for Respondent Nos.1 and 2.

Ms Rima Oka, i/by Mr. Abhishek Patil for Respondent No.4.

CORAM : M.S. SONAK, J.

DATE : 22nd FEBRUARY, 2018

P.C.

1. Heard the learned counsel for the parties.
2. The learned counsel for the respondents points out that there is sufficient cause shown in the application. However, upon perusing

the application, in particular the averments in Paras 4 to 9, sufficient cause has been shown to explain the delay of about 110 days in institution of the appeal. No doubt, the applicants could have acted with grater responsibility. However, it cannot be said that there is no sufficient cause made for condonation of delay. The prejudice to the respondents can always be compensated in terms of costs.

3. Upon due consideration of all the aforesaid circumstances, the delay in institution of the Second Appeal is hereby condoned subject to payment of cost of Rs.5,000/- to be paid to Respondent Nos.1 and 2 within a period of two weeks from today.

6. The costs to be either paid to Respondent Nos.1 and 2 or deposited in this Court, so that Respondent Nos.1 and 2 can withdraw the said amount unconditionally.

7. The Civil Application for condonation of delay is disposed of in the aforesaid terms.

(M.S. SONAK, J.)