

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

**CIVIL APPLICATION NO.1764 OF 2017
IN
SECOND APPEAL (ST) NO.31347 OF 2017**

**WITH
CIVIL APPLICATION NO.1765 OF 2017
IN
SECOND APPEAL (ST) NO.31347 OF 2017**

Mr. Subhash Shriram Bashte	Applicant
V/s.	
Chandrakant Daulatrao Nalawade & Ors.	Respondents

Mr. K.P. Lad i/by Mr. P.D. Dalvi, Advocate for the Applicant.

Mr. Shreepad Murthy, i/by Abhishek Patil, Advocate for Respondent Nos.1 to 7.

CORAM : M.S. SONAK, J.

DATE : 22nd FEBRUARY, 2018

P.C.

1. Mr. Lad, the learned counsel for the applicant handover to the learned counsel for the respondents a demand draft of Rs.40,000/- as contemplated by order dated 02.02.2018.

2. The learned counsel for the applicant submits that there is a sufficient cause shown in the application seeking condonation of delay and therefore, this Court be pleased to exercise discretion and condone the delay. Mr. Murthy, the learned counsel for the

respondents submits that if the application is perused, no sufficient cause can be said to have been made out and therefore, the application for condonation of delay may be dismissed.

3. Upon perusing the civil application in particular, Paras 3 and 4, sufficient cause can be said to have been made out. The applicant is 76 years of age and the consideration offered does not smack of any malafide or any dilatory strategy. The applicant has complied with the directions in the order dated 02.02.2018 and paid a sum of Rs.40,000/- no doubt, towards arrears.

4. Upon due consideration of all the aforesaid circumstances, the delay of 293 days in institution of the appeal is hereby condoned.

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

6. At the request of learned counsel for the applicant, stand over the second appeal on 06.03.2018.

(M.S. SONAK, J.)