

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1589 OF 2016
IN
SECOND APPEAL st. NO.619 OF 2016

Vitthal Kerba Mangade & Ors. ... Applicants

Vs.

Nathoba Rangoba Mangade
since deceased, through:

1. Bhagwan Nathoba Mangade & Ors. ... Respondents

Mr.V.D. Borwankar for the Applicants
Mr.R.S. Jadhav for Respondents

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: MARCH 9, 2018

P.C.:

1. Leave to amend the prayer clause granted. Amendment to be carried out forthwith.

2. Learned Counsel for the applicants submits that there is a delay of approximately 240 days in filing the Second Appeal. He submits that the first appellate Court delivered the judgment on 21.4.2015. The certified copy was received on 26.6.2015 and thereafter, this appeal was filed on 21.12.2015. The learned Counsel submits that out of the 5 appellants, three are agriculturists and two

are housewives. They took time to approach the advocate. They were not aware of the consequences of not challenging the order of the appellate court. Thus, they took time to take legal advice and hence, there is a delay in filing the appeal.

3. Learned Counsel for the respondents opposes the application and submits that the Civil Application is not served on him. He also submits that no sufficient cause is shown by the applicants.

4. Heard submissions. Perused the application. Considering the submissions and for the reasons mentioned in the application, the delay is condoned on condition that costs of Rs.5,000/- shall be paid to the respondents. Subject to the payment of costs, the appeal be registered and listed for admission after six weeks.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)