

Sarnobat

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

**CIVIL APPLICATION NO. 1864 OF 2016
IN
SECOND APPEAL (STAMP) NO. 4457 OF 2016**

Mahadev Keshav Sawant (deceased
through L.Rs.) ...Applicants/Appellants.
Vs.
Mahadeo Nivruti Sawant (deceased
through L.Rs.) ... Respondents.

Mr. Nikhil Pawar, for the Applicants.
Mr. Anant Vadgaonkar, for the Respondent No.1.

CORAM : A. M. DHAVALÉ, J.

DATE : 10th SEPTEMBER, 2018.

P. C. :

1. This is an application for condonation of delay of 130 days in challenging the judgment and decree dated 4th July, 2015. This application is filed on 9th February, 2016. The applicant has pleaded that appellant No. 2 was looking after the matter and he is old aged person of 73 years and is suffering from high blood pressure and has undergone bypass surgery. Though documents of ailment are not on record, learned advocate for the appellant tendered ordinary copy of certificate dated 29th December, 2015 shows heart ailment and treatment. No reply has been filed. There is sufficient cause for

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condonation, but delay of 130 days is inordinate. I allow the application subject to cost of Rs.5,000/- within 30 days to be paid to the other side. On payment of cost, the appeal be taken for registration.

[A. M. DHAVAL, J.]