

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 887 OF 2017
IN
SECOND APPEAL ST. NO. 8019 OF 2016**

Chindhu Mahadu Gaikwad and anr. ...Applicants

Versus

Abdul Usman Shaikh ...Respondent

.....

Mr. Prosper D'souza for the Applicants. (Appointed by Legal Aid)

.....

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **MARCH 01, 2018**

P.C.:

1. This Civil Application is moved for condonation of delay of 15 years and 26 days in filing Second Appeal.

2. The learned Counsel for the applicants submits that Civil Appeal was decided on 20.11.2000. Thereafter, the applicants had filed Second Appeal along with Civil Application for condonation of delay on 11.03.2016. He further submits that in the year 2012, the

applicants moved an application for obtaining certified copy, however, the certified copy could not be obtained immediately, as the original plaint was missing. He further submits that the applicants are illiterate and this pertains to their Inam Land (Mahar Vatan) and they have allegedly sold their ancestral property to the respondent without obtaining necessary permission. He further submits that the applicants have good case on merits and hence, he prays that the delay be condoned.

3. Heard submission. Perused the Civil Application. The suit was filed by the respondent/plaintiff in the year 1992 and it was decided in the year 1997. Thereafter, Civil Appeal No. 288 of 1997 was decided on 20.11.2000. As per the record, the application for obtaining certified copy was filed in the year 2012 and thus, there was inordinate delay of 12 years. There are concurrent findings of the two Courts. The grounds mentioned in the application and the argument advanced by the learned counsel for the applicants are not sufficient to condone the delay of 15 years and 26 days. Hence, Civil Application is dismissed.

(MRIDULA BHATKAR, J.)