

Sarnobat

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

**CIVIL APPLICATION NO. 2048 OF 2015
IN
SECOND APPEAL (STAMP) NO. 11494 OF 2015**

Mr. Janardhan Budhya Pardeshi & Ors. ... Applicants.
Vs.
Mr. Krushna Ragho Pardeshi & Ors. ... Respondents.

Mr. Nachiket V. Khaladkar, for the Appellants.
Mr. Anand S. Patil, for the Respondent Nos. 1 to 3.

CORAM : A. M. DHAVALÉ, J.

DATE : 10th SEPTEMBER, 2018.

P. C. :

1. Heard learned advocates of both the parties. This application is for condonation of delay of 311 days. The impugned order of rejection of condonation of delay of 35 days was passed by District Judge, Raigad on 1st March, 2014. Time of 12 days was required for obtaining certified copies and within limitation on 23rd June, 2014 advocate for the applicants filed Writ Petition instead of filing second appeal. The same Writ Petition was disposed holding that second appeal lies and not the Writ Petition. The applicants had thereafter, filed second appeal on 20th April, 2015.

2. Most of the period of delay was on account of prosecuting

remedy by way of Writ Petition which seems to be a bonafide mistake of legal advise by the lawyer of the applicants. The delay has been satisfactorily explained. Besides the said period there is no much delay.

3. Considering the fact the delay is condoned. The appeal be taken up for consideration of registration. Learned advocate for the respondents waives service of appeal. Supply copy of appeal memo to the other side.

[A. M. DHAVAL, J.]