

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

**CIVIL APPLICATION NO.1969 OF 2015
in
SECOND APPEAL (ST) NO.16485 OF 2015
WITH
CIVIL APPLICATION NO.1970 OF 2015**

Sou Kusum Tukaram Kadam & Anr. ..Applicants

vs.

Shri Baban Pandurang Kadam & Anr. ...Respondents

Mr. Umesh H. Pawar for the Applicants.

Mr. Bhushan Walimbe for the Respondent No.1.

CORAM : A. M. DHAVALA, J.

DATE : 17th SEPTEMBER, 2018.

P.C.:

. Heard learned advocate for the applicants. First Appeal was decided on 22/1/2015 Application for certified copy was moved on 23/1/2015. It was ready and delivered on 4/2/2015. Appeal should have been preferred on or before 3/5/2015 which is preferred on 16/6/2015. There is delay of 51 days in filing appeal and the appellant has stated that he was not aware that he was required to obtain certified copy of the judgment and decree of the Trial Court.

2. Considering the facts as aforesaid and that the major portion of delay includes summer vacation, delay is condoned, subject to payment of cost of Rs.5,000/- to Respondent No.1. Civil Application stands disposed of. On payment of cost, appeal be numbered.

(A. M. DHAVALA, J.)