

*Sequeira*

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

*CIVIL APPLICATION NO. 1379 OF 2011  
AND  
CIVIL APPLICATION NO. 671 OF 2014  
in  
SECOND APPEAL (St.) NO. 20827 OF 2011*

Mr.Maruti Laxman Mahulkar  
Since deceased through his heirs  
1 A. Ms.Satwashila Maruti Mahulkar  
and others

.. Applicants / Appellants

*Vs*

The Central Government -  
Superintendent Post and Telegraph  
and others

.. Respondents

Mr.D.V.Sutar, for Applicants / Appellants.

Mr.S.V.Bharucha, for Respondent No.2.

Mr.S.R.Moray i/b Mr.V.S.Talkute, for Respondent Nos.3 and 4.

*Coram : N.M.Jamdar, J.  
Date : 2 February 2018.*

*P.C. :*

Heard learned counsel for the parties.

2. The Application is filed for condonation of delay of one year and 269 days. In the application it is stated that the Applicants are original Defendants and Respondents-Plaintiffs had filed a suit in respect of declaration of title to Indira Vikas Patra. The suit was decreed and injunction was granted against the Appellants and the first Appeal filed by the Appellants was dismissed. It is stated in the application that Applicants are women and the Applicant No.1 was mainly looking after the matter who because of her ill-health and age could not follow the matter in time and there was a communication gap between her and the Advocate.

3. The reasons stated in the application cannot be stated to be imaginary or false. In spite of the order dated 3 March 2017 to file reply within two weeks, no reply is filed for almost a year till date.

4. Considering the facts and circumstances of the case I am of the opinion that, the delay needs to be condoned on imposition of cost. Accordingly, the Civil Application No.1379 of 2011 is allowed subject to Applicants paying costs of Rs.5,000/- to the Respondent Nos.3 and 4 within period of four weeks from today.

*(N.M.Jamdar, J.)*