

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

**CIVIL APPLICATION NO.1243 OF 2017
IN
SECOND APPEAL (ST) NO.23777 OF 2017**

**WITH
CIVIL APPLICATION NO.1244 OF 2017
IN
SECOND APPEAL (ST) NO.23777 OF 2017**

Shri. Harishchandra Pandurang Parhad	Applicant
V/s.	
Smt. Tarabai Bundhaji Sutar & Ors.	Respondents

Mr. Chintan Y. Shah for the Applicant.
Mr. Shivraj Patil for Respondent No1 to 3.

CORAM : M.S. SONAK, J.

DATE : 22nd FEBRUARY, 2018

P.C.

1. Leave to amend prayer clause (a). Amendment to be carried out forthwith.
2. Although, the delay in the present case, appears to be inordinate, taking into consideration the explanation, the delay will have to be condoned.
3. The applicant had stated that within 34 days from the date of impugned judgment and order, the applicant, instituted the writ petition to question the same. However, after several years it was

realized that the writ petition is not maintainable on account of change in the legal position. Accordingly, the writ petition was permitted to be withdrawn with liberty to institute the second appeal. Then, he stated that the applicant suffered from paralysis and was admitted in the civil hospital at Thane. Medical certificate has been also produced on record.

4. Taking into consideration the circumstances that the applicant has been indulging in the matter, but was perhaps pursuing the remedy which was later on found to be unavailable to the applicant, the delay is required to be condoned.

5. According, the civil application for condonation of delay is hereby condoned.

6. Place the Second Appeal for admission on 02.04.2018.

(M.S. SONAK, J.)