

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.642 OF 2016
IN
SECOND APPEAL st. NO.27017 OF 2015

Smt.Rangubai Ramchandra Shelar & ors. ... Applicants

Vs.

Shri Dagadoba Shankar Shelar & Ors. ... Respondents

Ms.Manjiri S. Parasnis for the Applicants
Mr.S.V. Pitre for Respondent Nos.1 to 8

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 9, 2018**

P.C.:

1. This application is moved for condonation of delay of 220 days in filing the appeal. The learned Counsel for the applicants submits that on 10.10.2014, the applicants have made an application for issuance of the certified copy of the impugned judgment and decree dated 7.10.2014, which was received by them on 1.11.2014. It is submitted that the applicants could not get correct legal advice from their lawyer at Pune. Thereafter, the applicants had some domestic difficulties and health issues. So, they could not take proper steps and decision of filing a Second Appeal. Hence, the delay is caused.

2. The learned Counsel for the respondents while opposing this application, has submitted that no sufficient cause is made out by the applicants to condone the delay.

3. Heard submissions. Considered the grounds for delay. The applicants/appellants are the original plaintiffs. They lost in two courts and have filed this Second Appeal. In view of the submissions and for the reasons mentioned in the application, the delay of 335 days is hereby condoned on condition that the applicants shall pay costs of Rs.5,000/- within one week from today to the respondents. The appeal be registered and listed for admission on 20.4.2018.

4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)