

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1808 OF 2017
with
CIVIL APPLICATION NO.1321 OF 2017
IN
FIRST APPEAL ST. NO.34086 OF 2015

The Igatpuri Peoples' Education
and Welfare Society

... Applicant

Vs.

Abdul Samad Nasivdar Khalifa & Ors.

... Respondents

Mr.S.S. Karkera i/b Ashok Pandive for the Applicant
Mr.Yogesh Dabke, AGP, for Respondent No.14 / State

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

DATE: **JANUARY 31, 2018**

P.C.:

1. Civil Application No.1808 of 2017 is filed for condonation of delay in filing the appeal. The office remark shows that respondent Nos.1 to 13 are served. The learned A.G.P. is appearing for respondent No.14 / Joint Charity Commissioner.

2. The learned Counsel for the applicant submits that there is delay of 245 days in filing the appeal. He submits that the earlier Chairman expired on 12.4.2005 and his son expired on 23.9.2006. Thereafter, the applicant visited the office of the Charity

Commissioner on or about 5.11.2015 and then, came to know about the ex-parte order. Thereafter, he obtained certified copies. He submits he had also undergone surgery earlier and hence, he is not keeping well. However, he obtained certified copies in 2015 and filed appeal. The learned Counsel submits that the delay is not intentional. He submits that the Charity Commissioner is a formal party.

3. None appears for respondent Nos.1 to 13, though served.

4. In view of the uncontroverted submissions of the learned Counsel, the delay of 245 days is hereby condoned. The Appeal be registered and listed for admission on 28.2.2018. Till then, eaerlier interim relief, if any, to continue.

5. Civil Application No.1808 of 2017 is disposed of accordingly.

(MRIDULA BHATKAR, J.)