

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

CIVIL APPLICATION NO.460 OF 2018
IN
SECOND APPEAL (ST) NO.7777 OF 2018
WITH
CIVIL APPLICATION NO.461 OF 2018

Shri Ananda Pandurang Mokate
(Deceased thru LRS)

1A Smt. Vimal Ananda Mokate
and Ors

... Applicants

Vs

Smt. Vastalla Shankar Lokare
@ Sushila Pandurang Mokate
& Ors.

... Respondents

...

Mr. Prajakt M. Arjunwadkar for the Applicants.

CORAM : SANDEEP K. SHINDE J.
DATE : 3rd APRIL, 2019

P.C. :

Heard learned counsel for the applicants.

2 Applicants have preferred the appeal against the judgment and decree passed in the Regular Civil Appeal NO.43 of 2011 by the Additional District Judge, Ichalkaranji.

3 Appeal is presented beyond the period of limitation and

thus condonation of delay of 136 days is sought.

4 Though the Respondent Nos.1,3,4 to 6 are served, they have not caused their appearances. Respondent No.2 is the deceased mother of the applicant/appellant no.1. It is contended that advocate who was representing the applicants/appellants in the First Appeal proceedings did not communicate and/or inform about the impugned decree to the present applicants/appellants. It is further contended that Applicant No.1(C) was keeping track of the present dispute in the Courts below. That the Applicant No.1(B) is not mentally stable. It is, therefore, contended that Applicant No.1(C) was in-charge of the proceedings on behalf of the applicants/appellants. However, due to his pre-engagement, he could not spare sufficient time.

5 Though the respondents are served, they have not caused their appearances and contention raised in paragraph 3 is not controverted.

6 That even otherwise, delay is of 136 days and the cause shown and pleaded in paragraph 3 is 'sufficient cause' for condoning

the delay.

7 That for the reasons stated here-in-above, application is
allowed in terms of prayer clause (a).

(SANDEEP K. SHINDE, J.)