

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

**CIVIL APPLICATION NO.1631 OF 2014
IN
SECOND APPEAL NO.148 OF 2017**

Mohansingh Bhagatsingh Rajput ... Applicant
Vs.

Govindsingh Rupsingh Rajput
(deceased) through L.Rs.

1. Pratapsingh Govindsingh Rajput & Ors. ... Respondents

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Mr. K.J. Tandale for Applicant.

Mr. Akshay Kulkarni I/b. Mr. A.M. Kulkarni for Respondent No.2.

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CORAM : M. S. KARNIK, J.

DATE : 26th JULY, 2019.

P. C.:

1. This is an application for condonation of delay of 2 years and 339 days in filing the Second Appeal.

2. Learned counsel for the applicant invited my attention to Para 3 and 4 of the application to submit that the delay is bonafide and unintentional.

3. Learned counsel for respondent No.2 filed an affidavit opposing the application for condonation of delay. It is stated that the delay is substantial and no satisfactory explanation is given by the applicant for condoning the delay.

4. In my opinion, the applicant deserves to be given an opportunity to contest the Appeal on merits. Though there is a delay of 2 years and 339 days, however, for the reasons mentioned in the Application, the delay deserves to be condoned. The respondent No.2. can be compensated by directing the appellant to pay cost of Rs.2,000/- (Rupees Two Thousand). Subject to the payment of cost of Rs.2,000/- (Rupees Two Thousand) by the appellant to respondent No.2 within a period of two weeks from today, the delay in filing the Second Appeal is condoned.

5. Civil Application is allowed.

(M. S. KARNIK, J.)