

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

**CIVIL APPLICATION NO. 2894 OF 2019
IN
FIRST APPEAL ST. NO. 22742 OF 2019**

Late Rajaram Lakshman Mahajan
(Since Deceased through
Lrs. Smt. Narmada Rajaram) Applicant
V/s.
Smt. Suman Sanjay Mahajan & Ors. ... Respondents

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Advocate Akshay Kapadia i/b Mr. Kishor Ajetroa for Applicant.
Adv. R. Sinhasane i/b Umesh R. Mankapure for Respondent Nos. 1 & 2.

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CORAM : K.K.Tated, J.
DATE : 30th September, 2019

P.C. :

1. Heard learned counsel for parties.
2. Advocate Mr. Akshay Kapadia submits that, the respondent No.3 is duly served and he filed affidavit of service. Statement is accepted.
3. By this Civil Application, applicant is seeking condonation of 49 days delay in filing the First Appeal.
4. The learned counsel for the applicant submits that the original Opponent No.3 Rajaram Lakshman Mahajan expired on 12th March, 2019 and impugned Judgment Passed by the learned Civil Judge, Senior Division, Sangli on next date i.e. 13th March, 2019. The learned counsel for the applicant submit that, applicants are legal heirs of deceased

Opponent No.3. He submits that, want of knowledge about the present proceeding, there is a delay in filing the First Appeal. He submits that in the interest of Justice this Hon'ble Court be pleased to condone the delay in filing the First Appeal.

5. On the other hand, the learned Advocate Sinhasane R. appearing on behalf of respondent No.1 vehemently opposed the present Civil Application. She submits that, applicant failed to disclose the sufficient cause for condonation of delay.

6. Considering the submission made by the learned counsel for the applicant, averment made in Civil Application, as the impugned Judgment and Award passed by the Trial Court just One day before Original appellant No.3 expired, applicant has made out a case for allowing this Civil Application. Hence, following order is passed. :

: ORDER :

- a) Delay in filing the First Appeal is condoned.
- b) Civil Application stands disposed of accordingly.
- c) No order as to costs.

(K.K.Tated, J.)