

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 44 OF 2019
IN
SECOND APPEAL (ST.) NO. 31090 OF 2017

Shantinath Appa Rote

Since deceased through Lrs

Prafullchand @ Sambhaji Shantinath

Rote & Ors.

... Applicants

Vs

Juharmal Fulchand Marwadi & Ors.

... Respondents

Shri. S.G. Deshmukh i/b. Sanket Deshpande, Advocate for
Applicants.

Shri. S.S. Kadtane i/b. Kuldeep U. Nikam, Advocate for
Appellant in SAST 31090 of 2017.

CORAM : SANDEEP K. SHINDE J.

DATE : August 9th, 2019

P.C. :

1. It is an application for condonation of two days delay occurred in preferring Second Appeal against the Judgment and Decree dated 24.07.2017 passed in Regular Civil Appeal 75 of 2011. Mr. Deshmukh, learned counsel for the applicants submits that the certified copy of the impugned decree was ready and received by the applicants on 24.08.2017 for which application was filed on

25.07.2017. Therefore, submits there was no delay in preferring the appeal. Learned counsel for the respondents do not dispute this position. In view of this, there was no occasion for the applicants to file present application. Office is directed to register the Second Appeal. In view of the facts stated hereinabove, application is disposed of.

(SANDEEP K. SHINDE, J.)