

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

**CIVIL APPLICATION NO.44 OF 2014
IN
REVIEW PETITION (ST.) NO.3783 OF 2014
IN
SECOND APPEAL NO.227 OF 2004**

**ALONG WITH
REVIEW PETITION (ST.) NO.3783 OF 2014
IN
SECOND APPEAL NO.227 OF 2004**

Vasant Suka Kasabe .. Applicant/Petitioner
Vs.

Eknath Mahadu Kasabe (since deceased)
through his legal heirs

1(a) Seetabai Eknath Kasabe & Ors. .. Respondents

Mr.Sachin Gite for the applicant/petitioner.

Mr.T.N. Sonawane for the respondent nos.1(b) to 1(e).

Mr.V.R. Kasle i/by Ram & Co. for the respondent no.2.

CORAM : R.D.DHANUKA, J.

DATE : 14th October 2019

P.C.:

. Mr.Gite, learned counsel for the applicant states that his client is not aggrieved by the order passed by the Registrar (Judl.-II) on 11th August 2014, in so far abatement against the deceased respondent no.1(a) is concerned and also by the order dated 22nd September 2014, in so far as dismissal of the civil application against the respondent no.3 is concerned. Statement is accepted.

2. Heard learned counsel for the applicant and the respondents present in Court through their respective counsel. There is delay of 132

days in filing the review petition. Mr.Kasle, learned counsel for the respondent no.2 states that his client has no objection if the delay is condoned. Statement is accepted. Mr.Sonawane, learned counsel for the respondent nos.1(b) to 1(e) has vehemently opposed the application for condonation of delay on the ground that the delay is not sufficiently explained. However, no affidavit-in-reply is filed by the respondents. In my view, the delay is sufficiently explained in the civil application.

3. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clause (a). Delay in filing review petition is condoned. No order as to costs.

4. Place the review petition on board for 'Admission' on 11th November 2019.

R.D.DHANUKA, J.