

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

**CIVIL APPLICATION NO. 528 OF 2017
IN
FIRST APPEAL (ST) NO. 4525 OF 2017**

Shri Nitin Sakharam Waghmode & Ors. Applicants

In the matter between :

Shri Nitin Sakharam Waghmode & Ors. Appellant

V/s.

Smt. Ashalata Jagannath Waghmode & Ors. Respondents

.....

Miss. R.C. Nichani for Applicant.

Mr. Kamlesh P. Mali for Respondents.

CORAM : K.K.Tated, J.

DATE : 9th September, 2019

P.C. :

1. Heard Learned Counsel for both the parties.
2. Though other Respondents are duly served, no one appeared on behalf of them when the matter called out.
3. By this Civil Application, Applicants/Original Defendant Nos. 1 to 8 seeks condonation of 28 days delay in filing the First Appeal challenging the Judgment and Decree dated 19th November, 2016 passed by Bombay City Civil Court in S.C. Suit No. 7884 of 1998.

4. Considering the submissions made by the Learned Counsel for applicant and averments made in Civil Application, I satisfy that, the applicant has made out case for allowing this Civil Application.

5. Hence, the following order is passed:

- 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.)