

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

**CIVIL APPLICATION NO.430 OF 2007
IN
SECOND APPEAL (ST.) NO.5933 OF 2007
ALONG WITH
SECOND APPEAL (ST.) NO.5933 OF 2007**

Nivrutti Waman Donde (since deceased)
through his legal heirs

1A. Rajendra Nivrutti Donde & Anr.	..	Applicants/Appellants
Vs.		
Tukaram Ganpat Jadhav & Ors.	..	Respondents

Mr.A.L. Bhise h/f Mr.H.S. Venegaonkar for the applicants/appellants.
Mr.Shubham Jangam h/f Mr.Girishi R. Agrawal for the respondents.

CORAM : R.D.DHANUKA, J.
DATE : 9th September 2019

P.C.:

. By this civil application, the applicants seeks condonation of delay of 3 years and 118 days in filing second appeal though mentioned as 711 days. The applicants are the legal heirs of the original appellant Nivrutti Waman Donde who expired on 13th May 2004 i.e. much after passing of the impugned judgment and decree passed by the trial Court. In addition to the father of the applicants being one of the appellant, there were other five appellants. During the life time of the father of the applicants, he did not file second appeal. Other appellants i.e. the appellant nos.2 to 6 in the Civil Appeal No.262 of 1996 also did not bother to file second appeal against the judgment and decree dated 19th August 2003.

2. I have perused the averments made in the civil application filed by the applicants. The applicants have not explained the gross delay of 3 years and 118 days in filing second appeal. No case is made out for condonation of delay of 3 years and 118 days in filing second appeal. Civil application is accordingly dismissed. In view dismissal of the civil application, second appeal is also dismissed. No order as to costs.

R.D.DHANUKA, J.