

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.1402 OF 2010
IN
FIRST APPEAL (ST) NO. 9528 OF 2010
WITH
CIVIL APPLICATION NO. 1403 OF 2010

Arvind Jamna Prasad Sharma

.. Applicant

Versus

Abbas Parshan Mohammad Javed
Since deceased through his legal heirs
1 A. Rubaba Mohammad Abbas Parshan
& Ors.

.. Respondents

...

Adv. P. B. Kulkarni for the Applicant.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. Civil Application No. 1402/2010 is filed seeking condonation of delay in filing the First Appeal, being aggrieved by the judgment dated 18th February, 2010 in S.C.C. Suit No. 708 of 2007.

2. Heard the learned counsel for the applicant and

Sonali Patil

perused the application. Paragraph 5 of the application contains the justification for delay of 7 days and it proceeds to state that the applicant was under bonafide impression that unless the decree is drawn up and certified copy of the decree is handed over, the First Appeal cannot be instituted.

3. On hearing the learned counsel for the applicant, I am of the view that the reason cited, seeking condonation of delay is bonafide one and in such circumstances, deserves to be condoned.

4. Accordingly, Civil Application No. 1402/2010 is made absolute in terms of the prayer clause (a). Registry is directed to register the First Appeal. It is also noted that since the respondent had expired, his legal heirs have been brought on record. In such circumstances, issue notice to the respondents, making it returnable after 4 weeks. Learned counsel for the appellant is also permitted to serve the respondents by private service of notice.

SMT. BHARATI DANGRE, J