

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

**CIVIL APPLICATION NO.943 OF 2018
IN
SECOND APPEAL (ST.) NO.18741 OF 2018
(Modified as per order dated 01.07.2019)**

Anna Ganpati Koli and Ors. ... Applicants
Versus
Venkatesh Dev Bhilavadi
Sarvajanik Trust and Ors. ... Respondents

.....

Mr. S.R. Ghanavat for Applicants.
Mr. Tejas Pawar I/b. Bhusahn Walimbe for Respondents.

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CORAM : M. S. KARNIK, J.

DATE : 28th JUNE, 2019.

P. C.:

1. Heard learned counsel for the applicants and learned counsel for the respondent No.1 who is the plaintiff and main contesting respondent.

2. Respondent No.1 has filed an affidavit opposing the application. Learned counsel for the respondent No.1 has invited my attention to the averments made in the application. He submits that absolutely no explanation for the delay is found in the said application. He opposed the application for condonation of delay.

3. However, for the reasons mentioned in the application the delay of 1 year 224 days in filing the present Appeal deserves to be condoned subject to payment of cost of Rs.2,000/- (rupees two thousand only) to the respondent No.1.

4. Civil Application is disposed of.

5. List the Appeal as per C.M.I.S. date.

(M. S. KARNIK, J.)