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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1134 OF 2019
IN
SECOND APPEAL (STAMP) NO.18120 OF 2019

Partipan J. Devendra	...Applicant
V/s.	
Dilip D. Khopade	...Respondent

Dr.Prakash K. Deshmukh for the Applicant / Appellant.

Mr.Rushikesh S. Kale for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 4TH SEPTEMBER, 2019.

P.C. :-

1. By this civil application, the applicant seeks condonation of delay of one year and 150 days in filing the second appeal. The applicant has explained the delay in paragraph 5 of the civil application. No affidavit in reply has been filed by the respondent though served.

2. In my view, the applicant has sufficiently explained the delay in filing the second appeal. For the reasons recorded in the civil application, the civil application is made absolute in terms of prayer clause (a). There shall be no order as to costs.

3. The applicant is directed to remove all the office objections within two weeks from today, failing which, the second appeal to

stand dismissed without further reference. If the second appeal is numbered, place the same on board for admission as per C.M.I.S. date.

4. Learned counsel appearing for the respondent states that there is no counsel engaged by his client's advocate as on date before the Executing Court and thus would take some time for execution of the decree passed by the Appellate Court. Statement is accepted. As and when the respondent proposes to execute the decree against the applicant and to take steps, no coercive steps shall be taken against the applicant without issuing three days clear notice in advance.

(R.D. DHANUKA, J.)