

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

**CIVIL APPLICATION NO.157 OF 2019
IN
APPEAL FROM ORDER (ST.) NO.25793 OF 2018**

Ganpati Krushna Kalantre and Anr. ... Applicants
Versus
Vilas Ganpati Kalantre and Ors. ... Respondents
.....
Mr. R.V. Bansode for Applicants.
S.S. Redekar for Respondent No.1.

.....
CORAM : M. S. KARNIK, J.
DATE : 21st JUNE, 2019.

P. C.:

1. Heard learned counsel for the applicants.
2. This is an application for condonation of delay of 179 days in filing the Appeal From Order.
3. The learned counsel for the respondents vehemently opposed the application for condonation of delay. Learned counsel for respondent submits that against impugned order even the Writ Petition that was earlier filed by the appellants was not filed immediately after the impugned order was passed. Learned counsel for applicants submits that applicants were bonafide pursuing a remedy of Writ Petition. In para 6, the applicants have stated that the Writ Petition was withdrawn with liberty to file

Appeal From Order. The said liberty was granted on 31.8.2018. Thereafter the present Appeal From Order is filed on 4.9.2018.

4. In my opinion for the reasons mentioned in the application, the application deserves to be allowed and is accordingly allowed in terms of prayer clause (a).

5. Civil Application is disposed of.

6. List the Appeal From Order as per C.M.I.S. date.

(M. S. KARNIK, J.)