

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

**CIVIL APPLICATION NO.166 OF 2016
IN
SECOND APPEAL (ST) NO.27617 OF 2015**

Narayan Laxman Raul
Since deceased Heir No.2
Mrs. Vrushali Shyam Dholam ... Applicant
Vs
The Administrative,
Ratnagiri Jilha Sahakari Krushi
Gramin & Ors. ... Respondents
...
Mr. Sumit S. Kothari for the Applicants.
Mr. Rakesh Patil for the Respondent Nos.1 and 2.
Mr. Kiran Doiphode for Respondent No.5

**CORAM : SANDEEP K. SHINDE J.
DATE : APRIL 11, 2019**

P.C. :

It is an application for condonation of delay of 109 days
occurred in filing present appeal.

2 Heard learned counsel for the applicant and respondent
nos.1,2 and 5.

3 Pending appeal, the appeal was abated against
respondent no.4, who had expired during the pendency of the

appeal. The learned counsel for the applicant submits that he has requested the applicant number of times to give appropriate instructions to take steps for setting aside the order of abatement dated 17th February, 2017. He submits that he has not received any instructions till date. He has produced copy of the letter dated 17th March, 2017 on record, which shows that he has asked for instructions from the applicant. A copy of the letter is taken on record and marked 'X-1' for Identification.

4 It is stated in the application that the impugned judgment was passed on 27th March, 2015. However, applicant's advocate at Ratnagiri did not apply for the certified copy in time. Admittedly, the applicant is residing at Thane. It is thus stated that she herself applied for certified copy on 6th August, 2015 and it was delivered to her on 10th August, 2015. That on account of these reasons, delay is occurred which is neither intentional nor deliberate.

5 In my view, sufficient cause is shown for condoning the delay. Application is, therefore, allowed in terms of prayer clause

(a).

Place the appeal for Admission on 18th June, 2019.

(SANDEEP K. SHINDE, J.)