

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**CIVIL APPLICATION NO. 124 OF 2018**
IN
SECOND APPEAL (ST) NO. 29726 OF 2017

Shivaji Narayan Naik (Thru POA
His Daughter, Sonal Kunal Raut)Applicant
V/s.
Vishnu Harishchandra PatilRespondent

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Mr. Datta Mane i/by. Mr. Prasad J. Patil, Advocate for the
applicant.

Mr. Mangesh D. Patel, Advocate for the respondent.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 3rd April, 2019.

P.C. :

1. Heard learned Counsel for the parties.
2. It is an application for condonation of delay of 289 days caused in preferring the Appeal against the decree passed in Regular Civil Appeal No. 15 of 2013 dated 26th August, 2016. The applicant-appellant is 81 years old and had undergone angioplasty in February, 2016 as could be seen from the medical reports annexed to the application.

After surgery, he was advised bedrest. It is for these reasons, the applicant could not present the Second Appeal within the statutory period.

3. The learned Counsel for the respondent, has opposed this application and filed affidavit-in-reply.

4. Though the impugned judgment was passed in August 2016, it may be stated that, the applicant had undergone surgery in February, 2016 and was advised rest. The applicant is a Senior Citizen and therefore it appears that due to ill-health, he has filed the Second Appeal through Power of Attorney Holder. Thus, in my view, sufficient cause is shown for condoning the delay and the delay is accordingly condoned subject to cost, Rs.5,000/- which the applicant shall pay to the respondent within two weeks from today.

5. The application is allowed in terms of prayer clause (a). The Civil Application is disposed of. To be tagged with Second Appeal (St) No. 29726 of 2017.

(SANDEEP K. SHINDE, J)