

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

**CIVIL APPLICATION NO.1166 OF 2016
IN
FIRST APPEAL (ST.) NO.34293 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Yogesh Dabake, A.G.P. for the applicant

Ms.Deepa Punde i/b Mr.S.S.Punde for the
respondent

**CORAM : K. K. TATED, J
DATE : JULY 26, 2019**

P.C.:

. Heard.

2 The learned counsel for the Respondent submits that Respondent no.3, Gangabai Parshuram Patil, expired. She submits that she is handing over names and addresses of legal heirs to the learned A.G.P. She further submits that they have no objection if learned A.G.P. carries out amendment in the Civil

Application during the course of the day. She received instruction from the legal heirs to appear on behalf of them in the present matter as well as in First Appeal also.

3 Hence, learned A.G.P. is permitted to carry out amendment by consent of other side in the cause title of Civil Application as well as other proceeding by deleting the name of Respondent no.3 and bringing legal heirs on record.

4 By this Civil Application, Applicant is seeking condonation of 269 days in filing the First Appeal challenging the judgment and award dated 5.12.2014 passed by learned 2nd Joint Civil Judge, Senior Division, Alibag at Raigad in L.A.R. No. 1147 of 2000.

5 The learned counsel for the Respondent vehemently opposed the present Civil Application. She submits that Applicant has not shown sufficient cause for condonation of inordinate delay. Hence, there is no substance in the present Civil Application and same be dismissed.

6 Heard both the sides at length.

7 Considering the submission made by the learned A.G.P. for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a

case for allowing the Civil Application. Hence, following order is passed :

A. Civil Application is allowed in terms of prayer clause (b) which reads thus:

"(b) this Hon'ble Court be pleased to condone the delay of 269 days in filing the above mentioned First Appeal against the Judgement and Award dated 05.12.2014 passed by the Learned 2nd Joint Civil Judge, Senior Division, Alilbag in L.A.R.No.1147 of 2000 (Old L.A.R.No.69 of 1998)."

B. Civil Application stands disposed of accordingly.

C. No order as to costs.

(K.K.TATED, J.)