

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 651 OF 2019****IN****SECOND APPEAL NO. 1593 OF 2005****Rajaram Mahadeo Shinde,
Since deceased through LRs
Pandurang Rajaram Shinde & Ors.****..... Applicants****VERSUS****Mainabai Rajaram Shinde
@ Mainabai Manik Rokade & Ors.****..... Respondents**

Mr.Tushar N.Sonawane for the Applicants.

Mr.A.R.Metkari for the Respondent no. 1.

CORAM : R.D. DHANUKA, J.**DATE : 23rd SEPTEMBER, 2019****P.C.**

I have Heard learned counsel for the parties and perused the averments made in the civil application.

2. By this civil application, the applicants seek condonation of delay of 290 days in filing civil application and seeks restoration of the order dated 18th December, 2017 passed in Second Appeal No.1593 of 2005.

3. Learned counsel appearing for the applicants states that the paper book is ready and is already served upon the respondent no.1. The paper book could not be filed for the reasons to be recorded in the civil application. I am inclined to accept the averments made in the civil application and to accept the justification for not filing the paper book

and also the explanation of condonation of delay of 290 days in filing civil application.

4. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (b) and (c). No order as to costs.

5. *Ad-interim* relief granted by this court on 17th February, 2017 in second appeal is also restored to file.

6. Place the second appeal on board for hearing and final disposal as and when the final hearing board is prepared after Diwali vacation.

[R.D.DHANUKA, J.]