

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

**CIVIL APPLICATION NO.355 OF 2018
IN
SECOND APPEAL (ST.) NO.34172 OF 2017
ALONG WITH
SECOND APPEAL (ST.) NO.34172 OF 2017**

Smt.Dhondubai Shivajirao Desai & Anr. .. Applicants/Appellants
Vs.
Smt.Rajakka Shahajirao Desai (since deceased)
through her legal heirs
A. Sou.Sushaila Laxman Chavan .. Respondent

Mr.Subhash B.Desai for the applicants.
Mr.Avinash Patil h/f Mr.Umesh H. Pawar for the respondent.

**CORAM : R.D.DHANUKA, J.
DATE : 27th September 2019**

P.C.:

. By this notice of motion, the applicants seeks condonation of delay 2 years and 153 days in filing second appeal. No affidavit-in-reply is filed though served in advance.

2. In paragraph 3 of the civil application, the applicants have explained the delay. The applicant is 76 years old and suffering from various illness. Copy of medical certificate is annexed at Exhibit-A to the civil application.

3. In my view, the delay is sufficiently explained in paragraph 3 of the civil application. Civil application is made absolute in terms of prayer clause (a). Delay is accordingly condoned. No order as to costs.

4. Place the second appeal on board on 4th November 2019.

R.D.DHANUKA, J.