

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 1232 OF 2019****IN****SECOND APPEAL (ST) NO. 28808 OF 2017****Pandit Dattu Pagare****since deceased through legal heirs****Smt.Meerabai Pandit Pagare & Ors.****..... Applicants****VERSUS****Sunita Naval Shitole & Anr.****..... Respondents**

Mr.Mahindra Agavekar, a/w. Ms.Shraddha Chavan, i/b.
Mr.S.P.Gorwadkar for the Applicants.

Mr.Sagar Kasar, i/b. Mr.V.R.Gaikwad for the Respondent nos. 1 and 2.

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

By this civil application, the applicants seek condonation of delay of 285 days in filing civil application. The matter has appeared before the learned Registrar (Judicial-II) on 7th February, 2018 and 17th January, 2018 when none appeared for the applicants. The matter was thereafter adjourned to 28th February, 2018 when the learned Registrar (Judicial-II) passed conditional order to remove office objections within four weeks. The office objections are not removed. In view of the conditional order passed by the learned Registrar (Judicial-II), second appeal came to be dismissed.

2. Learned counsel for the respondents states that the impugned decree has been already executed and thus nothing survives in this second appeal. Delay of 285 days is not explained in the civil

application.

3. A perusal of the averments made in the civil application shows that though the matter appeared before the learned Registrar (Judicial-II), the applicants and their advocate remained absent. The office objections were not removed in the meantime. No case is made out for grant of condonation of delay of 285 days.

4. Civil application is accordingly dismissed. No order as to costs.

[R.D.DHANUKA, J.]