

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.917 OF 2019
IN
SECOND APPEAL (ST.) NO.20545 OF 2018
ALONG WITH
CIVIL APPLICATION NO.918 OF 2019

Ravindra Narayan Dhamdhere .. Applicant

Vs.

Arvind Narayan Dhamdhere through
LRs Vinayak @ Aniruddha A. Dhamdhere
& Ors. .. Respondents

...

Mr. Kiran N. Joshi for the Applicant.

Mr. Y.G. Thorat i/b Mr. A.B. Tajane for Respondent No.2.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 24th FEBRUARY, 2020.

P.C:-

1. Heard learned counsel for the Applicant and learned counsel for Respondent No.2 on Civil Application No.917 of 2019.

AJN

2. There is a delay of 15 days in preferring the Second Appeal assailing the judgment passed by the District Judge, Kalyan on 03/04/2018. The explanation offered in the Application seeking condonation of delay is contained in paragraphs (v) to (xii). What is sought to be cited as “sufficient cause” can be culled down to the effect that the certified copy applied for was made available immediately on the next day when the judgment was delivered. However, the said certified copy contained the name of Respondent No.1 - Arvind Narayan Dhandhere, who had expired pending the proceedings and, therefore, his legal heirs were brought on record. Inadvertently, the certified copy continued the name of late Arvind Narayan Dhandhere instead of his legal heirs. On noticing the said lacuna, this aspect was brought to the notice of the certified Section and the mistake was immediately rectified and the corrected copy was obtained by the Applicant. This is how the delay has occasioned and the same is explained by stating that the Applicant was not at fault and it is on account of the aforesaid circumstances, there was a delay.

3. Perusal of the Application discloses that the delay cannot be attributed to the Applicant and is bona fide and deserves to be condoned. Accordingly, the Civil Application is allowed in terms of prayer clause (a) by condoning the delay in filing the Second

Appeal. The Registry is directed to register the Second Appeal and list it for admission on 09/03/2020.

4. Learned counsel for the Applicant undertakes to supply a copy of the appeal memo to Respondent No.2.

[SMT. BHARATI DANGRE, J.]