

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 1532 OF 2017
IN
SECOND APPEAL (ST) NO. 13916 OF 2018

(Gopalrao Bajirao Satpute through his legal representatives Vs. Anjanabai Wd/o
Bhaiyaji Jagtap & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri J.R.Kidilay, learned counsel for the appellant.
Shri C.N.Deshpande, learned counsel for the
respondent nos. 5 & 6.

CORAM : ANIL S KILOR, J.
DATE : 22nd JANUARY, 2020.

Learned counsel for the applicant requests
for deletion of name of respondent nos. 3(a) from
the cause title.

2. Permission is granted at the risk of
appellant.

3. This is an application for condonation of
delay in filing Second Appeal. This Court on 19th
December, 2017, issued notice to the respondent on
this application.

4. Today when the matter is listed for
considering the present application, though the
respondents are served, only the counsel
representing the respondent nos. 5 and 6 is present.
However, for other respondents, nobody is present.

5. Learned counsel for the applicants submits that applicants got the knowledge of judgment and decree of the Appellate Court in March, 2015, on service of notices for bringing them as legal heirs of late Gopalrao Satpute who died on 28.09.2014 after the judgment dated 01.09.2014. According to the learned counsel for the applicant, because the applicants were not having knowledge about the impugned judgment and decree they could not contact the counsel and could not take necessary steps for filing the second appeal.

6. Learned counsel for the respondent nos. 5 and 6 strongly opposed the application and prays for rejection of the application.

7. After going through the contents of the application, I am of the opinion that sufficient cause is shown by the applicant to explain the delay of 233 days in filing the second appeal.

8. In view of that matter for the reasons stated in the application, the application is allowed. The delay caused in filing the second appeal is condoned. The civil application is disposed off.

9. Office is directed to register the Second Appeal and place the same before the Court in regular course.

JUDGE