

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

***CIVIL APPLICATION NO.1705 OF 2017  
IN  
SECOND APPEAL (ST) NO.34557 OF 2016***

Nathu M. Vede  
(Deceased) Thru  
LRS Dyanoba Nathu  
Vede

... Applicant

Vs

Darma Kanhu Vede

... Respondent

...

Mr. Balwant Vitthal Salunkhe for the Applicant.

***CORAM : SANDEEP K. SHINDE J.***  
***DATE : 18<sup>th</sup> MARCH, 2021.***

***P.C. :***

Legal representatives of deceased Nathu Maruti Vede (Original Defendant No.4), in Regular Civil Appeal No.434 of 1971, have preferred this appeal, nearly after 43 years, along with an application, seeking condonation of delay.

2            Heard learned counsel for the parties. Perused the application.

3            Applicant's father, Nathu expired in 1987. Admittedly, applicants were living with, Nathu. Therefore, it would be rational to presume, applicants had knowledge of the impugned decree dated 16<sup>th</sup> March, 1973. No other circumstances are brought to my notice to hold otherwise. It is contended, only after receiving notice from the TILR dated 25<sup>th</sup> August, 2016, applicants would know about the impugned decree passed in the Regular Civil Appeal No.434 of 1971. In my view, no sufficient cause has been shown for condoning the delay. Application is dismissed. Second Appeal is disposed of.

**(SANDEEP K. SHINDE, J.)**

