

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

**CIVIL APPLICATION NO. 1465 OF 2019
IN
SECOND APPEAL (ST) NO. 6307 OF 2019**

Shri Ramesh Marutirao Pawar & Anr. ...Applicants

vs.

Shri Nitin Mahadev Kale & Anr. ...Respondents

Mr.P.D. Pise for Applicants.

Mr.Vinod Ghosalkar for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 20 JANUARY 2022

P.C. :

Heard learned Counsel for the Applicants and learned Counsel for Respondent No.2. None for Respondent No.1, though served.

2. Learned Counsel for the Applicants submits that there is a delay of 12 days in filing the second appeal challenging the judgment and decree dated 13 July 2018 passed by the Principal District Judge, Sangli in Regular Civil Appeal No.374/2012 arising out of the judgment and decree dated 27 April 2012 passed by 3rd Joint Civil Judge, Junior Division, Miraj in Regular Civil Suit No.225/2007.

3. It is submitted that initially, the documents were supplied to learned advocate for drafting the appeal. It was informed that some other more documents are required and thereafter, the same were supplied to the advocate, however, the time consumed in completing these formalities for filing the appeal, due to the same, the delay has been caused and therefore,

this application.

4. Learned Counsel for the Applicants states that sufficient cause has been shown in the application and the delay caused is not intentional but bonafide. Accordingly, learned Counsel for the Applicants prays for condonation of delay.

5. Learned Counsel for Respondent No.2 opposes the application.

6. After going through the application and the reasons stated in the application, I have found the reasons given in the application are satisfactory for condonation of delay. Moreover, in this case as the Respondents have not filed reply opposing the application for condonation of delay or disputing the fact stated in the application, I am of the considered view that the application needs to be allowed.

7. Accordingly, I pass the following order :-

ORDER

(i) The application for condonation of delay is allowed. The delay caused in filing the second appeal is condoned.

(ii) The office is requested to register the second appeal and place the same before the court for admission.

(ANIL S. KILOR, J.)