

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

**CIVIL APPLICATION NO.1550 OF 2018
IN
SECOND APPEAL (STAMP) NO.8157 OF 2018**

Vijay Mahadev Kode ...Applicant

Versus

Kashinath Shankar Pawaskar ...Respondent

....

Ms Savita M. Yadav for the Applicant.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard learned counsel for the respective parties. None for the Respondent, though served.

2. Ms Savita Yadav, learned counsel for the Applicant points out that there is a delay of 93 days in filing the Second Appeal challenging the judgment and award dated 14/09/2017 passed by the learned District Judge-1, Sindhudurg at Oros in Regular Civil Appeal No.79 of 2011. It is submitted that since the wife of the Applicant was suffering from TB disease and low blood pressure and because she was taking the treatment, during which she expired on 28/12/2017, the delay has been caused for

filing second appeal.

3. It is submitted that delay is not intentional but bonafide and the delay has been caused for the reasons stated in the application.

4. After considering the reasons stated in the application, more particularly that the wife of the Applicant was ill and while taking treatment, she died on 20/12/2017, furthermore, in view of the fact that there is no reply opposing the present application or disputing the facts stated in the application, I am of the opinion that sufficient cause has been shown by the Applicant for condonation of delay. Accordingly, I pass the following order:-

ORDER

- (i) The application for condonation of delay is allowed;
- (ii) The delay caused in filing Second Appeal is condoned.

The office is requested to register the Second Appeal and place the same before the Court for admission.

(ANIL S. KILOR, J.)