

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

**CIVIL APPLICATION NO.596 OF 2019
IN
SECOND APPEAL (STAMP) NO.17453 OF 2018**

Narayan Dnyanu Patil
since deceased through legal heirs
1a) Mrs. Laxmi Narayan Patil and Ors. ...Applicants/Appellants

Versus

Hari Tatoba Sogate
since deceased through legal heirs
1a. Smt. Radhabai Hariram Sogate and
Ors. ...Respondents

....

Mr. Bhushan Walimbe for the Applicant.
Mr. Umesh H. Pawar for the Respondents-1a to 1d.

CORAM : ANIL S. KILOR, J.

DATED: 24th JANUARY, 2022.

P.C.:-

1. Heard Mr. Walimbe, learned counsel for the Applicants. None for the Respondents, though served.

2. Learned counsel for the Applicants states that there is a delay of 59 days in filing the second appeal challenging the judgment and decree dated 14/12/2017 passed by the learned District Judge-I, Islampur in Regular Civil Appeal No.135 of 2009, whereby the learned first Appellate Court was pleased to dismiss the appeal.

3. It is submitted that as the Applicants are old and illiterate persons, who do not have any knowledge of legal proceedings and legal steps to be taken on rejection of appeal, on seeking advice it was decided to file the appeal. However, because of time consumed in obtaining the legal opinion, delay has been caused and accordingly the present application is filed.

4. After going through the application and the reasons stated in the application and in the absence of any affidavit-in-reply opposing the present application or disputing the facts stated in the application, in my considered view the Applicants have shown sufficient cause for condoning the 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.)