

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

**CIVIL APPLICATION NO.584 OF 2018  
IN  
SECOND APPEAL (STAMP) NO.30049 OF 2017**

Chandrakant Ragunath Sawant ...Applicant

Versus

Satish Madhukar Salgaonkar and Ors. ...Respondents

....

Mr. Sanskar Marathe for the Applicant.

**CORAM : ANIL S. KILOR, J.**

**DATED: 19<sup>th</sup> JANUARY, 2022**

**P.C.:-**

1. Heard Mr. Marathe, learned counsel for the Applicant. None present for the Respondent though served.

2. Mr. Marathe, learned counsel for the Applicant submits that there is delay of 282 days in filing the Second Appeal Challenging the judgment and decree dated 18/10/2016 passed by the learned Principal District Judge, Sindhudurg at Oros in Regular Civil Appeal No.127 of 2012.

3. Mr. Marathe, learned counsel for the Applicant has drawn attention of this Court to the reasons stated in the application and the medical certificate annexed along with the application to show that the

Applicant is a senior citizen and that he was not in a position to file the present application within time because of the ailment he was suffering from. It is submitted that the medical certificate supports the case of the Applicant for condonation of delay.

4. I have gone through the reasons stated in the application and also the certificates annexed along with the application. One of the certificates is of the Applicant and the other certificate is related to the wife of the Applicant. From the reasons stated in the application it is sufficiently clear that the Applicant was suffering from ailment stated in the certificate and even his wife was not well. Therefore, the reasons are sufficient to arrive at a conclusion that the delay caused in filing the Second Appeal is bonafide and not intentional.

4. In that view of the matter, 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 on  
**09/02/2022.**

**(ANIL S. KILOR, J.)**