

CIVIL APPLICATION NO.821 OF 2017
IN
SECOND APPEAL (STAMP) NO.25081 OF 2016

...Applicant/ Appellant

Shree Acharyaratna Deshbhushan
Shikshan Prasarak Mandal,
Kolhapur and Anr.

...Respondents

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Mr. V.P. Narvankar for Respondent Nos.1 and 2.

DATED: 19th JANUARY, 2022

P.C.:-

1. Heard learned counsel for the respective parties.
2. Mr. Patwardhan, learned counsel for the Applicant submits that there is a delay of about 71 days in filing the second appeal, challenging the judgment and order dated 30/03/2016 passed by the learned District Judge-I, Kolhapur in Regular Civil Appeal No.163 of 2009, arising out of judgment and order dated 15/06/2009 passed by the learned Jt. Civil Judge, Senior Division, Kolhapur in Special Civil Suit No.397 of 2007. Mr. Patwardhan, learned counsel points out from the application, more particularly from paragraph No.3 onwards that

sufficient cause has been shown for condonation of delay. It is submitted that delay is not intentional but bonafide.

3. On the other hand, Mr. Narvankar, learned counsel for Respondent opposes the prayer made by the Applicant and submits that the Application needs to be rejected for want of sufficient cause shown in the application.

4. After going through the application, I am of the opinion that sufficient cause has been shown in paragraph No.3 onwards in the application. Moreover, absence of any reply to the grounds in the application, I am of the opinion that delay caused in filing the second appeal needs to be condoned. 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.)