

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

**CIVIL APPLICATION NO.989 OF 2019
IN
SECOND APPEAL (STAMP) NO.3294 OF 2018**

Kaivalya Dham through Chairman Shri
Swami Maheshanandji

...Applicant

Versus

Ranjankar Gramasth Mandal through
its panchas and Ors.

...Respondents

....

Mr. Nishant Sasidharan i/b. M/s. Maniar Srivastava and Associates for the
Applicant.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Mr. Sasidharan, learned counsel for the Applicant.
None for the Respondents though served.
2. Learned counsel for the Applicant points out that there is a
delay of 24 days in filing the Second Appeal challenging the judgment and
decree dated 13/09/2017 passed by the learned Ad-hoc and District
Judge -3 Raigad at Alibag in Regular Civil Appeal No.225 of 2013.
3. It is submitted that initially the Applicant has not made
available the entire record for filing the Second Appeal. On pointing out
the said fact, the Applicant lateron made available the entire record, for

filing the Second Appeal. However, the time consumed in this process is the cause for delay.

4. Learned counsel for the Applicant has drawn attention of this Court to the reasons stated in the application, more particularly paragraphs 2(b) to 2(k) and submits that as the Applicant has shown the sufficient cause for condonation of delay, it may be condoned. It is further argued that the delay is not intentional but bonafide.

5. After going through the reasons stated in paragraphs 2(b) to 2(k) of the application, I am of the considered view that sufficient cause has been shown by the Applicant for condonation of delay. Moreover the Respondents have not filed reply opposing or disputing the facts stated in the paragraphs 2(b) to 2(k) of the application. In that view of the matter the 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.)