

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

**CIVIL APPLICATION NO.1483 OF 2018
IN
SECOND APPEAL (STAMP) NO.5020 OF 2018**

M/s. Jayson Associates

...Applicant

Versus

IDBI Bank Ltd. and Ors.

...Respondents

....

Mr. Ruturaj P. Pawar for the Applicant.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard 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 11 days in filing the Second Appeal challenging the judgment and decree dated 30/10/2017 passed by the learned Principal District Judge, Kolhapur in Regular Civil Appeal No.160 of 2014. It is submitted that after approaching the learned Advocate, he informed the Applicant that sufficient documents have not been supplied and thereupon the Applicant collected the remaining documents and the same were supplied to the

learned Advocate. However, the time consumed in this process is the cause for causing delay in filing the second appeal. It is submitted that the delay is not intentional but bonafide and there is no dilatory tactics.

3. Having gone through the reasons stated in the application and in view of the fact that no reply has been filed by the Respondents either opposing or disputing the facts, in my opinion sufficient cause has been shown by the Applicant. 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.)

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