

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

**CIVIL APPLICATION NO.1108 OF 2019
IN
SECOND APPEAL (STAMP) NO.6480 OF 2018**

Shripal Tatoba Chougule since
deceased by his LRs

1. Smt. Shalini Shripat Chougule and
Anr.

...Applicants

Versus

Shalan Vasatrao Vhatkar and Ors.

...Respondents

....

Mr. T.S. Ingale for the Applicants.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

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

2. Learned counsel for the Applicants submits that there is a delay of 320 days in filing the Second Appeal challenging the judgment and decree dated 04/01/2017 passed by the learned Ad-hoc District Judge-I, Sangli in Regular Civil Appeal No.452 of 2011 arising out of judgment and decree dated 21/11/2011 passed by the learned C.J.J.D., Miraj in R.C.S. No.306 of 2002.

3. It is submitted that in paragraph 4 of the application sufficient cause has been shown for condonation of delay. It is submitted that after the death of the husband of the Applicant No.1, she was required to collect the records and make the same available to the Advocate for filing the appeal. Resultantly, the time spent in this process is the reason for causing delay in filing the Second Appeal.

4. After going through the reasons stated in paragraph 4 of the application, it reveals that after death of husband of the Applicant No.1, the Applicants were required to collect the records and to hand it over to the Advocate for drafting the appeal and in this process delay has been caused. In this matter no reply has been filed by the Respondents opposing the present application or disputing the facts stated in the application for condonation of 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.)