

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

**CIVIL APPLICATION NO.1022 OF 2018
IN
SECOND APPEAL (STAMP) NO.13524 OF 2017**

Krutik Balkrushna Kadam

...Applicant

Versus

Gajanan Dashrath Kadam and Ors.

...Respondents

....

Mr. N.J. Patil i/b. Mr. Amey N. Patil for the Applicant.

Mr. Akshay A. Kulkarni for Respondent Nos.1 to 3.

CORAM : ANIL S. KILOR, J.

DATED: 19th JANUARY, 2022

P.C.:-

1. Heard learned counsel for the respective parties.
2. Mr Patil, learned counsel for the Applicant points out that there is a delay of one year and 153 days in filing the Second Appeal challenging the judgment and decree dated 04/09/2015 passed by the learned Additional District and Sessions Judge, Kolhapur in Civil Miscellaneous Application No.306 of 2011.
3. While explaining the delay, learned counsel for the Applicant submits that the sole Applicant herein is the original Applicant in a

proceeding filed for grant of probate and since he was minor at the relevant time i.e. on the date of filing of the said proceedings, it was filed through guardian. However, during the pendency of the proceedings the guardian has died and no notices were issued to the Applicant to pursue the case through guardian. It is submitted that after attaining the age of majority the present appeal came to be filed along with the application for condonation of delay.

4. On the other hand Mr. Kulkarni, learned counsel for the Respondents opposes the present application and states that the Applicant has failed to point out satisfactory reason for condonation of delay and therefore this Court should reject the application.

5. After going through the application and the reasons stated therein, moreover looking to the nature of controversy involved in the present proceedings, I am of the view that this Court should adopt a liberal approach. In that view of the matter as the sufficient cause has been shown by the Applicant, 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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