

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

**CIVIL APPLICATION NO.1330 OF 2018
IN
SECOND APPEAL (STAMP) NO.12593 OF 2017**

Arvindkumar Bhailal Patel (since
deceased) through legal
representatives-
1/1) Smt. Pankajben Arvindkumar
Patel and Ors.

...Applicants

Versus

The State of Maharashtra and Ors.

...Respondents

....

Ms Yogita M. Deshmukh for the Applicants.
Mr. A.R. Patil, AGP for Respondent -State.

CORAM : ANIL S. KILOR, J.

DATED: 19th JANUARY, 2022

P.C.:-

1. Heard learned counsel for the respective parties.
2. Ms Deshmukh, learned counsel for the Applicants points out that there is a delay of 87 days in filing the Second Appeal challenging the judgment and decree dated 20/09/2016 passed by the learned Civil Judge, Senior Division, Palghar in Regular Civil Suit No.5 of 2008. It is submitted that sufficient cause has been shown in the application, more particularly in paragraph Nos.10 and 11. She further states that in view

of the said reasons this Court may condone the delay as the delay is not intentional but bonafide.

3. On the other hand, Mr. Patil, learned AGP opposes the present application and press for rejection of the same.

4. Having gone through the application, more particularly paragraph Nos.10 and 11 of the application, wherein sufficient cause has been shown by the Applicants, I am of the considered view that 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.)

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