

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

**CIVIL APPLICATION NO.1187 OF 2019
IN
SECOND APPEAL (STAMP) NO.12748 OF 2018**

Baban Rama Sawant and Anr. ...Applicants/Appellants

Versus

Jagannath Deoram Chorat and Anr. ...Respondents

....

Mr. Graham Francis i/b. Mr. V.S. Talkute for the Applicants.

Mr. Pradip S. Gole for Respondent Nos.1 to 4.

CORAM : ANIL S. KILOR, J.

DATED: 24th JANUARY, 2022.

P.C.:-

1. Heard learned counsel for the respective parties.
2. Mr. Francis, learned counsel appearing for the Applicants pointed out that there is a delay of 88 days in filing the second appeal challenging the judgment and decree dated 28/09/2017 passed by the learned Ad-hoc District Judge-1, Satara, in Regular Civil Appeal No. 336 of 2008 dismissing the appeal. It is submitted that after approaching their Advocate at Mumbai in the first week of February - 2018, some additional documents were asked for and therefore, to arrange the funds and additional documents sought by the learned Advocate, time which

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was consumed, is the reason for causing delay in the present matter.

3. Mr. Gole, learned counsel for the Respondents opposed the present application and pressed for dismissal of the same.

4. After going through the application and the reasons stated in the said application, in my opinion sufficient cause has been shown in the application. Moreover, no reply has been filed opposing the application or disputing the facts stated in the application. 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.)