

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

**CIVIL APPLICATION NO.1940 OF 2017
WITH
SECOND APPEAL (STAMP) NO.30355 OF 2016**

Shri Bhairavnath Mandi Trust
Talawade and Ors.

...Applicants

Versus

Smt. Tanubai Tulshiram Kulpane
and Ors.

...Respondents

....

Mr. Tejas Hartalkar for the Applicants.

Mr. Prathamesh B. Bhargude for Respondent Nos.2 to 8.

CORAM : ANIL S. KILOR, J.

DATED: 19th JANUARY, 2022

P.C.:-

1. Heard Mr. Hartalkar, learned counsel for the Applicants and Mr. Bhargude, learned counsel for Respondent Nos.2 to 8.

2. The application is abated as against Respondent. Mr. Hartalkar, learned counsel for the Applicants pointed out that there is a delay of 6 days in filing the Second Appeal. He has drawn attention of this Court to the reason stated in the application, more particularly paragraph Nos.2 and 3 of the application.

3. Mr. Bhargude, learned counsel for the Respondent Nos.2 to 8 has orally opposed the application. However, in absence of any reply, disputing the facts stated in the application at paragraph Nos.2 and 3 of the application, I am of the view that the Applicant has shown sufficient cause 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.)

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