

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

**CIVIL APPLICATION NO.414 OF 2016
IN
SECOND APPEAL (STAMP) NO.14184 OF 2014**

Pattu Jivaba Gore (deceased
through his heirs and legal
representatives)

1A) Balasaheb Pattu Gore and Ors. ...Applicants/Appellants

Versus

Appa Sattu Mungal

...Respondent

....

Mr. Chetan Gajanan Patil for the Applicant.

Mr. Manoj A. Patil for the Respondent No.1

Mr. Gaurav Mankar for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED: 24th JANUARY, 2022.

P.C.:-

1. Heard learned counsel for the respective parties.
2. Mr. Chetan Patil, learned counsel for the Applicants submits that there is a delay of 35 days in filing the second appeal challenging the judgment and decree dated 30/11/2013 passed by the learned Ad-hoc District Judge-2, Kolhapur in Regular Civil Appeal No.97 of 2008.

3. It is submitted that time consumed in taking decision after discussing the matter with the family members and to obtain advice of the Advocate, is the cause for delay in filing the second appeal.

4. On the other hand, Mr. Manoj Patil and Mr. Gaurav Mankar, learned counsel for the Respondent Nos.1 and 2 respectively, jointly oppose the application and press for dismissal of the same.

5. After going through the contents of the application and the reasons stated in the application, I am of the opinion that in absence of any reply opposing or disputing the facts stated in the application, sufficient cause has been shown by the Applicants 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.)