IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1120 OF 2019
IN
SECOND APPEAL (ST) NO. 13242 OF 2019

Shri Ananda Mahadev Gorad ...Applicant
vs.
Late Dadu Bala Gorad (LR's)
Shri Mayappa Dadu Gorad & Ors. ...Respondents

Mr.Aditya S. Rokare for Applicant.
Mr.Sandip Koregave for Respondent Nos.2(a) to 2(e), 3 & 4.

CORAM : ANIL S. KILOR, J.

DATED : 20 JANUARY 2022

P.C. :

Heard learned Counsel for the respective parties.

2. Learned Counsel for the Applicant submits that there is a delay of 64 days in filing the second appeal challenging the judgment and decree dated 13 November 2018 passed by the learned Ad-hoc District Judge-1, Kolhapur in Regular Civil Appeal No.185/2015 arising out the judgment and decree dated 23 March 2015 in Regular Civil Suit No.119/1999 passed by the learned Civil Judge, Junior Division, Panhala. Learned Counsel for the Applicant states that the Applicant is 73 years old and suffering from severe ailments due to his old age. He further states that the Applicant got knowledge of the impugned judgment and decree on 25 January 2019 when he contacted his counsel and thereafter steps were taken for filing of the second appeal, however, because the delay has been caused in filing the second appeal, the present application has been moved for condonation of

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delay.

3. Learned Counsel for the Applicant submits that as the Applicant has shown sufficient reasons for condonation of delay, this court may consider the request of the Applicant for condonation of delay.

4. On the other hand, learned Counsel for the Respondents opposes the application and pray for dismissal of the same.

5. After going through the application, more particularly, paras 2 and 3 of the application, I am of the opinion that the application discloses sufficient and satisfactory reasons for condonation of delay. Moreover, as there is no reply filed opposing the application and disputing the fact stated in the application, I am of the considered view that the application needs to be allowed.

6. Accordingly, I pass the following order:

ORDER

(i) The application for condonation of delay is allowed. The delay caused in filing the second appeal is condoned.

(ii) The office is requested to register the second appeal and place the same before the court for admission.

(ANIL S. KILOR, J.)