

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

**CIVIL APPLICATION NO.1516 OF 2016
WITH
CIVIL APPLICATION NO.1517 OF 2016
IN
SECOND APPEAL (STAMP) NO.16996 OF 2016**

Mahadev Vishnu Mhatre since
deceased through legal heirs-
1. Meghashyam Mahadeo Mhatre
and Ors.

...Applicants

Versus

Dayaghan Laxman Mhatre and
Ors.

...Respondents

....

Mr. Pravin Desai for the Applicants.

Mr. Ashutosh Gavnekar i/b. Mr. C.G. Gavnekar for Respondent Nos.1 to 7,
8/1 to 8/6, 9, 11, 13 and 14.

Mr. Rohit Sakhadev for Respondent No.15.

CORAM : ANIL S. KILOR, J.

DATED: 19th JANUARY, 2022

P.C.:-

1. Heard learned counsel for the respective parties.
2. Mr. Desai, learned counsel for the Applicants points out that there is a delay of 18 days in filing the Second Appeal challenging the judgment and decree dated 16/01/2016 passed by the learned District Judge-5, Raigad at Alibag in Regular Civil Appeal No.55 of 2013.

3. It is submitted that the Applicants have shown sufficient cause in the application, more particularly in paragraph No.3 onwards of the application. By pointing out the sufficient cause mentioned in the application, learned counsel for the Applicants prays for condonation of delay. He further states that delay is not intentional but bonafide and this Court may take liberal approach in the matter.

4. Mr. Gavnekar, learned counsel for the Respondent Nos.1 to 14 has filed reply opposing the application. Whereas, the other Respondents are orally opposing the application and as such, all have jointly prayed for dismissal of the application.

5. After considering the reasons given in the application and the reply filed by Respondent Nos.1 to 14 to the application, I am of the considered view that the reasons stated in the application, more particularly in paragraph No.3 onwards are sufficient to condone the delay. Moreover, looking to the controversy involved in the present Appeal, it is necessary to adopt a liberal approach. In that view of the matter, 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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