

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1989 of 2015
In
Second Appeal (st) No. 21263 of 2015

Shree Siddheshwar Deosthan Panch

& anr.

... Applicants

v/s.

Saifuddin Roshanali Bohari & ors.

... Respondents

Mr. Sumit S. Kothari for the applicant.

Mr. Mandar Bagkar i/b. Chetan Patil for respondents 3 & 4.

CORAM : Anil S. Kilor, J

19th January 2022

P.C.

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At the outset leave is sought to delete respondent no.1. Leave is granted.

2. Heard learned counsel Shri Kothari for the applicant and Shri Bagkar for respondents 3 and 4. None for respondent no.2 though served and no reply has been filed opposing this application for condonation of delay.

3. Shri Kothari, the learned counsel for the applicant, states that there is delay of 20 days in filing Second appeal challenging the judgment and decree dt.04/04/2015 passed by the learned District Judge, Pune in Civil Appeal No.451/2012 upholding the judgment and decree dt.31.3.2012 passed by the learned Joint Civil Judge Junior Division, Vadgaon in RCC No.66/2003 dismissing the Suit. Shri Kothari, the learned counsel for the applicant states that sufficient cause has been shown in the application for condonation of delay. It is stated that delay is not intentional but bonafide.

4. Shri Bagkar, the learned counsel appearing for respondents 3 and 4 opposes the application and prays for dismissal of the same.

5. After going through the application and the contents of the application, I am of the opinion that sufficient cause has been shown by the applicant for condonation of delay. Moreover, looking to the controversy involved in the present proceedings, I am of the further view that liberal approach needs to be adopted in this matter by considering the prayer 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)

Lata Panjwani, P.S.