

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

**CIVIL APPLICATION NO.389 OF 2019
IN
SECOND APPEAL (STAMP) NO.5556 OF 2018**

Pirsab Muktum Shaikh since deceased
by his legal heirs

1A-Gulnar Pirsab Shaikh and Ors.

...Applicants

Versus

Abidabi Ibrahim Shaikh since deceased
through legal heirs-

1A. Usman Ibrahim Shaikh and Ors.

...Respondents

....

Mr. Rawool Mahesh Vijay for the Applicants.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Mr. Rawool, learned counsel for the Applicants. None for the Respondents, though served.

2. Learned counsel for the Applicants submits that there is a delay of 20 days in filing Second Appeal challenging the judgment and decree dated 14/11/2017 passed by the learned District Judge, Sindhudurg at Oras in R.C.A. No.64 of 2011 confirming the judgment and decree dated 20/04/2011 passed by the learned Civil Judge, Junior Division, Sawantwadi in R.C. Suit No.179 of 2000.

3. It is submitted that initially the Applicants were not having knowledge of the impugned judgment and decree, however, on visiting the office of the Advocate in the first week of February-2018, the Applicants got the knowledge of the impugned judgment and decree and thereafter an application was moved for certified copy of the same and accordingly in this process the delay has been caused in filing the Second Appeal. It is submitted that the delay is not intentional but bonafide.

4. After considering the reasons stated in the application, more particularly paragraphs 4 and 5 of the application and in view of the fact that Respondents have not filed reply to the present application opposing or disputing the facts stated in the application, in my considered view sufficient cause has been shown 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.)