

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

**CIVIL APPLICATION NO.816 OF 2016
IN
SECOND APPEAL (STAMP) NO.33348 OF 2015**

Janardan Rajaram Rumade

...Applicant/Appellant

Versus

Pramod Dattaram Kadam
deceased through legal heirs-
A. Pratidnya Pramod Kadam and
Ors.

...Respondents

....

Mr. Kiran S. Mohite for the Applicant.

CORAM : ANIL S. KILOR, J.

DATED: 19th JANUARY, 2022

P.C.:-

1. Heard Mr. Mohite, learned counsel for the Applicant. None for the Respondents, though served.
2. Mr. Mohite, learned counsel for the Applicant points out that there is a delay of 73 days in filing the Second Appeal challenging the judgment and order dated 24/06/2015 passed by the learned District Judge-1, Ratnagiri in Regular Civil Appeal No.36 of 2010.
3. Learned counsel for the Applicant has drawn attention of this Court to the reasons stated in the application, more particularly to

paragraph Nos.3 and 4 of the application and states that this Court may condone the delay in view of the sufficient cause shown in the application. It is submitted that the delay is not intentional but bonafide.

4. After going through the application and the reasons stated in paragraph Nos.3 and 4 of the application, I am satisfied that the sufficient cause has been shown in the application for condonation of delay. Moreover, in absence of any opposition by filing reply by the Respondents, I am of the considered view that the delay needs to be condoned. 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.)