

Arjun

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

SECOND APPEAL NO.435 OF 2019

Smt. Manisha Bhagwan More ...Appellant
(Since deceased by her LR's)
Shri. Shailesh Bhagwan More

V/s.

Smt. Hemlata Harishchandra Patil & Ors. ...Respondents

Mr. Gautam T. Kanchanpurkar, for the Appellant.

Mr. Satyajeet H. Joshi, for Respondent Nos. 1 to 3.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 7th DECEMBER, 2022**

P.C.:

1. Heard Mr. Gautam T. Kanchanpurkar, learned counsel appearing for the Appellant and Mr. Satyajeet H. Joshi, learned counsel for Respondent Nos. 1 to 3.

2. This Second Appeal is filed to challenge the legality and validity of order dated 15th October, 2018 passed by the learned Ad-hoc District Judge-1, Palghar in Civil Misc. Application No.06 of 2016.

3. By the impugned order, the Application for condonation of delay in filing the Appeal challenging judgment and decree dated 17th November, 1998 passed by learned Civil Judge, Junior Division, Palghar in Regular Civil Suit No.13 of 1987 is rejected. The delay in filing the said Appeal is of about 27 years 1 month and 27 days.

4. The learned Appellate Court while dismissing the Application has relied on R.T.S. Appeal No.48 of 2012 which was dismissed by order dated 20th September, 2012 passed by Additional District Collector, Dahanu Division, Dahanu. The said Appeal was *inter alia* dismissed on the ground that the R.C.S. No. 13 of 1987 was dismissed on 17th November, 1988.

5. The learned Appellate Court has observed that, atleast since the year 2012, the Appellant was having knowledge of the impugned judgment and decree dated 17th November, 1988. There is no perversity or illegality shown in the impugned order.

6. The Second Appeal is dismissed with costs.

(MADHAV J. JAMDAR, J.)

Corrected as per speaking to minutes order dated 21st December 2022.