

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

**CIVIL APPLICATION NO.1304 OF 2015
IN
SECOND APPEAL (ST) NO.3597 OF 2015
WITH
WRIT PETITION NO.11263 OF 2015**

Hausabai Ananda Mali
since deceased through legal heirs
Shankar Ananda Mali & Anr.

...Applicants

Versus

Bhagubai Yesu Mali
since deceased through legal heirs
Sou. Yamuna w/o. Mahadeo Mali & Ors.

...Respondents

Mr. Sugandh B. Deshmukh a/w. Irvin D'souza, for the Applicants.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 9th AUGUST 2023**

P.C. :

1. This Civil Application is filed for condonation of delay of 6 years and 43 days in filing the Second Appeal.
2. Mr. Deshmukh, learned counsel appearing for the Applicants states that none appears for the Respondents, although served.
3. Mr. Deshmukh, learned counsel appearing for the

Sonali

Applicants states that although there is delay of 6 years and 43 days in filing the Second Appeal, if the period for which Review Application No.6 of 2008 pending before the learned First Appellate Court is taken into consideration then, there is delay of only 63 days. He states that the said delay has been explained in paragraph No.3.

4. Although the Respondents are served, none appears for the Respondents and no reply has been filed to the Civil Application. Therefore, the contentions raised in the Civil Application have remained uncontroverted.

5. For the reasons set out in the Civil Application, the same is allowed in terms of prayer clause [A].

6. The Civil Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]