

Dusane

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

**CIVIL APPLICATION NO.1270 OF 2018
IN
SECOND APPEAL (ST) NO.2881 OF 2018
WITH
INTERIM APPLICATION NO.16837 OF 2022**

Kashinath Saidu Kate (deceased) ...Applicants
thru LRs & Ors.

V/s.

Shankar Eknath Mali (deceased) ...Respondents
thru' LRs Govind Mali & Ors.

BHALCHANDRA
GOPAL DUSANE

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Date: 2023.01.11
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Mr. Rajaram V. Bansode for Applicants.

Mr. Satish S. Raut for Respondent Nos. 1A to 1C.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 9th JANUARY, 2023**

P.C.:

- 1.** Heard Mr. Bansode, learned Counsel appearing for the Applicants and Mr. Raut, learned Counsel appearing for Respondent Nos. 1A to 1C.
- 2.** The Civil Application is taken out for condoning the delay of 56 days in filing the Second Appeal.
- 3.** Mr. Raut, learned Counsel appearing for Respondent No. 1A to 1C strongly opposes the application. Mr. Raut submits that no

reasons are given in the Civil Application for condonation of delay. However, it is stated in the application that the Applicants are poor and therefore, time was required for collecting funds.

4. As sufficient reasons are given, the Civil Application No. 1270 of 2018 is allowed in terms of prayer clause (a).

5. Second Appeal be kept on board for "admission" on **16th January 2023**.

(MADHAV J. JAMDAR, J.)