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Uday S. Jagtap

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

**CIVIL APPLICATION NO. 4059 OF 2015
IN
FIRST APPEAL NO. 113 OF 2008
WITH
FIRST APPEAL NO. 113 OF 2008**

Rahimatbai I. Gajekhan (deceased)
Through LRs. Yasin I. Gajekhan & Ors. .. Applicants

Vs.

Abdul Satar Mohammedsaheb
Gajekhan & Ors. .. Respondents

.....

Mr. Nitin P. Deshpande for the applicants
Mr. Anilkumar K. Patil for respondent nos. 1 to 7

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 24th JULY, 2023

P.C.

1. Heard.
2. The first appeal came to be dismissed for non-compliance of an order passed by this Court on 25th January, 2008 directing the appellants to file a private paper book within one year.
3. Delay of 6 years and 62 days occurred in preferring the application for condonation of delay.

4. The learned Counsel for the respondents objects the prayer of the applicants on the ground that there is a gross delay and the reason is insufficient to condone the delay.

5. The reason assigned in para 3 of the application, though are not fully satisfactory, yet in the interest of justice the appeal is restored subject to applicants depositing cost of Rs.15,000/- in the trial Court within four weeks from today.

6. The application is disposed of. The respondents are at liberty to withdraw the cost, if so deposited.

7. Registry to take necessary steps to remit the appeal to the District Court at Pune.

(PRITHVIRAJ K. CHAVAN, J.)