

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10058 OF 2022
IN
SECOND APPEAL (ST) NO.25131 OF 2016

Shankar Babugonda Patil
(since deceased through Lrs.)
1a. Sou. Vasanti Shankar Patil
and Ors.

.... Applicants.

V/s

Kalgonda Babugonda Patil
and Ors.

.... Respondents.

Mr. Mayank Tripathi i/b Bhushan Walimbe for the Applicants.
Mr. Mandar Bagkar for Respondent No.1.
None for Respondent No.2B

CORAM : VINAY JOSHI, J.

DATED : 11TH SEPTEMBER, 2023

P.C.:

1] Learned Counsel for the Applicants would submit that Mr. Naveen Balaso Khaire, Advocate appearing for Respondent No.2B has conveyed him to inform this Court that he has no objection for allowing the Application.

2] Apart from the reasons stated in the Application, it is submitted that by virtue of directions of the Supreme Court,

period of delay occurred due to Covid-19 pandemic is exempted.

3] Having regard to the submissions made by rival parties, to give fair chance to contest the appeal on merits, prayer can be accepted. However, due to condonation of delay, other side will be required to face one more round of litigation. In view of that, Application is allowed, subject to payment of costs of Rs 5000/- to be paid to contesting Respondent No.1. Costs be paid to Respondent No.1 or to be deposited in this Court within three weeks, which the Respondent No.1 is at liberty to withdraw.

4] After paying or depositing the costs amount as directed above, delay of 3 years and 217 days caused in filing this Application is condoned and the order of Registrar Judicial-II dated 9.2.2018 is hereby set aside and delay condonation application stands restored.

(VINAY JOSHI, J.)