

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3159 OF 2021
IN
SECOND APPEAL (ST) NO. 24824 OF 2019

Prakash Mahadev Paranjape

...Applicant/

...Appellant

Versus

Mrs. Sumati Dhonddev Jambhekar And Ors.

...Respondents

Mr. Surel S. Shah, for Applicant.

None for Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 12th FEBRUARY 2024

P.C. :

1. This is an application by original Defendant No. 3 for Condonation of Delay of 2 days in filing Second Appeal.

2. Heard learned counsel for the Applicant. He submits that the contesting Respondent No. 1, who is sole Plaintiff in the suit is served. Office note shows that Respondent Nos. 1 & 3 are served. Vakalatnama is filed on behalf of Respondent No. 1. None appears for Respondent Nos. 1 & 3. Although this application is dismissed against Respondent Nos. 2A to 2D under earlier order of Registrar, they being co-defendants with Applicant, who had not filed first appeal, matter can proceed.

3. In light thereof, considering that delay is of only 2 days and

that the sole Plaintiff is served and duly represented, sufficient cause is made out by un-controverted averments in the application. Application is allowed in terms of prayer clause (a) and (b). Delay is condoned.

4. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)