



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.239 OF 2019
IN
REJECTED CASE NO. 10 OF 2020
[Second Appeal (st.) No. 29338 of 2018]

Gokul Vishram Rumade

...Applicant.

Versus

Santosh Ramchandra Rumade

...Respondent.

Adv. Pramod J. Pawar for the Applicant.

Coram : Sharmila U. Deshmukh, J.

Date : April 12, 2024.

P. C. :

1. Civil Application has been preferred seeking condonation of delay of 78 days caused in filing the second appeal. Learned counsel for the Applicant submits that by order dated 8th March, 2024 this Court had permitted the Applicant to serve the Respondent by private notice. He submits that affidavit of service has been filed indicating that the Respondent has been duly served. Today, none appears for the Respondent.

2. Learned counsel for the Applicant submits that the certified copy of the Judgment of the First Appellate Court was received by the Applicant on 17th May, 2018 and thereafter he had contacted his

advocate and obtained legal advice. He would further submit that as the certified copies of judgment and decree as well as the copy of Appeal were required for filing of the Second Appeal, the same was communicated by the concerned Advocate to the Applicant and thereafter the Applicant applied for certified copy on 6th August, 2018 which was received on 8th August, 2018. He would further submit that due to financial constraints as well as the ailment of Applicant, the Applicant could not immediately contact the advocate for the purpose of filing of Second Appeal.

3. Considered the submission and perused the record.

4. The delay which is sought to be condoned is of 78 days. Perusal of the application would indicate that there is sufficient explanation tendered for the delay of 78 days. It is well settled that each and every days delay is not required to be explained and if the explanation is sufficient, the delay may be condoned. In the present case, upon perusal of the pleadings, in my view, the delay has been sufficiently explained.

5. In view thereof Civil Application stands allowed. Delay of 78 days is condoned.

[Sharmila U. Deshmukh, J.]