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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 1287 OF 2019
IN
SECOND APPEAL ST NO. 26933 OF 2019**

Krishna Babu PalavApplicants
(Since Decd. Thr. Lrs) Shri.
Bhiva Krishna Palav and Ors

Vs.

Shri. Ladu Vasudev PalavRespondent

Mr. Vilas A. Jadhav h/f Mr. Suresh More advocate for the applicants
Mr. Sudhir Prabhu advocate for the respondent

CORAM : GAURI GODSE, J.

DATE : 1st OCTOBER 2024

ORDER:

1. This application is for condonation of delay of 245 days in filing the appeal.

2. Learned counsel for the applicants submits that the reasons for the delay and the steps taken to file the appeal are explained in paragraph 2 of the application. He submits that the applicant no. 1A is the power of attorney holder of other applicants. He submits that , after

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the impugned Judgment, applicant no. 1A who looks after the litigation was held up in the agricultural activities and hence, was unable to take immediate steps. He submits that further steps taken to file the appeal are explained in the application. He therefore requests to condone the delay.

3. Learned counsel for the respondent opposes the application on the ground that the reasons given are not believable and the reasons given indicates that no attempt was made to file the appeal within time.

4. I have perused the reasons. Applicant has explained in detail the reasons regarding his occupation and further reasons for the time taken to approach the advocate and file the appeal. The reasons stated are justifiable and acceptable.

5. Hence, for the reasons stated in the application, the delay is condoned and the application is allowed in terms of prayer clause (a).

6. Office is directed to register the second appeal and list it under the caption for 'Admission' on 3rd January 2025.

[GAURI GODSE, J.]