

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 697 OF 2019  
IN  
SECOND APPEAL (ST) NO. 75 OF 2019

Shyamsundar Haribhau Potre

...Applicant/

...Appellant

***Versus***

Mohan Dadaram Tilekar And Ors.

...Respondents

\*\*\*\*\*

Mr. Sagar A. Joshi, for Applicant.

None for Respondents.

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**CORAM : M.M. SATHAYE, J.**

**DATE : 13<sup>th</sup> FEBRUARY 2024**

**P.C. :**

. This is an application for Condonation of Delay of 1 year and 201 days in filing second appeal.

HUSENBASHA  
RAHAMAN  
NADAF

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2. Heard learned counsel for the Applicant. Office note shows that Respondent Nos.1 and 2 are duly served and Respondent No. 3 is represented by an Advocate whose name is appearing on board. Despite that, none appears for the Respondents. No reply is filed opposing present application.

3. Perusal of the para 4 of the application shows that the reason for delay is stated to be due to ill health of the Applicant's father who expired after the impugned order and also due to the fact that the Applicant has himself undergone surgery. Medical papers and

certificates are produced on record in support of the submission.

4. Considering the extent of delay and averments in the application offering explanation, which are uncontroverted and considering that medical ground is pleaded, sufficient cause is made out. Hence, civil application is allowed in terms of prayer clause (a). Delay is condoned.

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

**(M.M. SATHAYE, J.)**