



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.16 OF 2023
IN
REJECTED CASE NO.2308 OF 2019

Shankar Punja Shendre And Anr.

...Applicants

Versus

Gopala Bhaguji Shendre
(Deceased Thru Lrs)

Bhausahab Gopala Shendre

...Respondents.

Adv. Amey Deshpande for the Applicants.

*Advv. Dhananjayu Bhosale i/b Adv. Narayan G. Rokade for Respondent
Nos. 1 to 5.*

Coram : Sharmila U. Deshmukh, J.

Date : March 18, 2024.

P. C. :

1. Civil Application has been preferred seeking condonation of delay of 67 days caused in filing the Second Appeal.
2. Learned counsel for the Applicants submits that due to financial constraints the Applicants were unable to contact their lawyer immediately in Mumbai for the purpose of filing the Second Appeal. It was contended that the Applicants have shown their diligence by prosecuting the litigation since last 18 years and the delay of 67 days ought to be condoned.

3. Per contra, learned counsel for the Respondent submits that no sufficient cause has been shown to condone the delay.

4. I have perused the application and the reasons which are given in the Application for the delay. It cannot be disputed that the Applicants are prosecuting the present litigation since last many years and the financial constraints is a plausible explanation. Considering that the suit was in respect of redemption of mortgage, I am of the opinion that Appeal is required to be decided on merits. The delay of 67 days is not such a colossal delay that the explanation given in the Civil Application cannot be accepted.

5. For the reason stated above, the delay is condoned. Civil Application stands allowed.

[Sharmila U. Deshmukh, J.]

Harish

Signed by: Harish V. Chaudhari

Designation: PA To Honourable Judge

Date: 21/03/2024 11:15:55