

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3359 OF 2020
IN
SECOND APPEAL (ST) NO. 4972 OF 2020**

Rajaram Shiva@ Shivaji Mane ...Applicant
Versus
Tanaji Shiva@ Shivaji Mane & Ors. ...Respondents

Mr. Tajpal Ingale for the Applicant
Mr. S. A. Rajeshirke for the Respondent Nos. 1 & 2

CORAM : M. M. SATHAYE, J.

DATED : 16th FEBRUARY, 2024

P.C.:

1. Heard learned counsel for the parties. This is an application for condonation of delay of 237 days in filing the above Second Appeal. All the Respondents are served. The Respondent Nos. 1 and 2 are appearing through their advocate. No Reply is filed till date, opposing the Application.
2. In paragraph no. 3 of the Interim Application reasons are given for delay. It is stated that the Applicant/Appellant was not aware about the impugned judgment and decree dated 24/04/2019 because it was not informed to him by the concerned Advocate. It is submitted that during Diwali vacation, when the Applicant himself visited the concerned Advocate,

at that time, he learnt about the decision in the Appeal. It is submitted that thereafter the Applicant has taken steps as expeditious and diligently as possible and present Appeal is filed.

3. Considering the extent of delay and uncontroverted case as indicated above pleading lack of knowledge, sufficient cause is made out. Interim Application is allowed in terms of prayer clause (a). Delay is condoned.

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

(M. M. SATHAYE, J.)