



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2216 OF 2023
IN
SECOND APPEAL (ST.) NO. 36559 OF 2017
[R.C. No. 2306 of 2019]

Shri.Dattatram Yashwant Kale

...Appellant.

Versus

Shri.Sudhakar Krinaji Kulkarni.

...Respondent.

Mr. Makrand M. Kale for the appellant.

Coram : Sharmila U. Deshmukh, J.

Date : February 12, 2024.

P. C. :

1. Interim application has been filed for restoration of the second appeal which has been rejected by conditional order dated 3rd September 2018 and for condonation of delay of 3 years, 3 months and 14 days caused in filing the present application. Learned counsel appearing for the appellant submits that objections could not be removed due to inadvertence on the part of advocate's office and as such the litigant should not suffer.

2. For the reasons stated in application, the delay of 3 years, 3

months and 14 days is condoned subject to the payment of cost of Rs.10,000/- to be paid to Kirtikar Law Library, High Court of Bombay, Mumbai within a period of two weeks from today.

3. Interim application is allowed subject to the payment of cost of Rs.10,000/- to be paid to Kirtikar Law Library, High Court of Bombay, Mumbai within a period of two weeks from today.

[Sharmila U. Deshmukh, J.]