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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9632 OF 2024
WITH
INTERIM APPLICATION NO. 9633 OF 2024
IN
SECOND APPEAL (ST) NO. 15284 OF 2024**

Nagesh Ramchandra Mahajan since ... Applicants
deceased thr Lrs and Anr

vs.

Sanjay Uttam Nawale and Ors ... Respondents

Mr. Bhushan Walimbe a/w. Ms. Khusti Gupta for Applicants.

CORAM : GAURI GODSE, J.

DATED : 2nd DECEMBER 2024

ORDER:

1. Office has neither shared a soft copy on the drive nor placed on record print out of the second appeal compilation. Learned counsel for the appellants has tendered second appeal compilation and interim application which are taken on record.

INTERIM APPLICATION NO. 9632 OF 2024.

2. This application is for condonation of delay of 119 days in

filing the second appeal. Learned counsel for the applicants submits that there is a concurrent finding accepting appellants' ownership over the suit well. He submits that in the absence of any rights to the defendants, the first appellate court has erroneously set aside the decree for permanent injunction passed by the trial court. He thus, submits that the second appeal raises substantial questions of law on the defendants' rights to the suit well, in the absence of any permission by the appellants who are accepted as exclusive owners of the suit well.

3. Issue notice to the respondents, returnable on 24th February 2025.

4. In addition to Court notice, learned advocate for the applicants to serve the respondents, by private notice and file affidavit of service before the next date.

(GAURI GODSE, J.)