

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

**INTERIM APPLICATION NO.12929 OF 2024
IN
SECOND APPEAL NO.275 OF 1999**

Ambaji Ganu Patil (Decd)

Through LRs

vs.

Dajiba Nana Patil & Ors.

...Applicant/Appellant

...Respondents

Mr. Prasad B. Kulkarni for the Applicant.

Mr. P. D. Dalvi for Respondent Nos.1 to 6.

CORAM : SHYAM C. CHANDAK, J.

DATED : 27th SEPTEMBER, 2024

P. C. :

. Heard learned Counsel for the Applicant and learned Counsel for Non-Applicant/Respondents. Perused the Application and reply.

2) This Application is seeking for condonation of delay in filing this Application. Further, the Application is seeking for recalling of the Order dated 25th January, 2024 and to restore the Appeal. Learned Advocate for the Non-Applicant/Respondents has vehemently opposed the Application.

3) There is total 151 days delay in filing this Application. Excluding the limitation period, there is actual delay of 121 days. No proper reason/ground is made out to condone the delay, however, the delay is not

huge. No advantage is gained by the Appellant on account of the said delay. The Appeal was admitted on 29th September, 1999.

4) In view thereof and subject to payment of the costs, the Application deserves to be allowed. Hence, following Order :-

ORDER

- (a) Interim Application is allowed subject to payment of the costs of Rs.10,000/- to Kirtikar Law Library within a period of two weeks from the date of uploading of this Order.
- (b) On payment of the costs, the Appeal shall stand restored along with ad-interim relief, if any granted earlier.

[SHYAM C. CHANDAK, J.]