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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13452 OF 2024
IN
SECOND APPEAL(ST) NO. 26549 OF 2024
WITH
INTERIM APPLICATION NO. 13453 OF 2024**

Dhanaji Ganpati Khade ... Applicant
vs.
Sushila Dattatraya Apke ... Respondent

Mr. Sachin P. Shety a/w. Mr. Jotiram R. Jadhav for Applicant.

**CORAM : GAURI GODSE, J.
DATED : 9th DECEMBER 2024**

ORDER:

1. Office has neither shared soft copy of the Second Appeal and Interim Application nor placed on record hard copy. Learned counsel for the applicant has tendered a compilation of the second appeal which is taken on record.
2. Heard learned counsel for the applicant. This application is for condonation of delay of 39 days in filing the second appeal. Learned counsel for the applicant submits that the reasons for delay are explained in the application.

3. Learned counsel for the appellant submits that the second appeal would raise substantial question of law on determination of the appellants' share in terms of the Will executed by defendant no.5.
4. Issue notice to the respondents, returnable on 3rd March 2025.
5. In addition to Court notice, learned advocate for the applicant to serve the respondent, by private notice and file affidavit of service before the next date.
6. Till next date, there will be stay to the actual handing over physical possession in view of the impugned decree.
7. It is clarified that the proceedings for division of the property as per impugned order shall continue.

(GAURI GODSE, J.)