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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7897 OF 2024
WITH
INTERIM APPLICATION NO. 7898 OF 2024
IN
SECOND APPEAL(ST) NO. 6101 OF 2023**

Gayabai Nimbaji Chavan ... Applicant/Appellant

vs.

Smt. Kadubai Annasaheb Bhosale ... Respondent

Mr. Harshad Sathe for the Applicant/Appellant

CORAM : GAURI GODSE, J.

DATED : 17th MARCH 2025

ORDER:

1. Heard learned counsel for the appellant. This application is for condonation of delay in filing the appeal. Learned counsel for the applicant submits that the reasons for delay are explained in the application.

2. On the merits of the second appeal, learned counsel for the appellant submits that specific contentions raised by the defendants regarding the original holder alienating part of the property in the year 1971 are not considered by both the courts. He submits that

the original holder transferring 4 acres of land in the name of defendant no.1 which is recorded in mutation entry no. 321 is also not considered by both the courts. He submits that if the issue regarding property already alienated by the original holder is taken into consideration, then the impugned judgment and decree granting half of the share to the plaintiff would require modification. He therefore submits that the second appeal would require consideration as an important aspect of alienation on part of the suit property by the original holder was not considered by both the courts.

3. Learned counsel for the appellant submits that considering the nature of the dispute and the relationship between the parties the appellant would be agreeable to explore the possibility of an amicable settlement.

4. In view of the aforesaid, issue notice to the respondents returnable on 8th July 2025.

5. In addition to Court notice, learned advocate for the appellant to serve the respondent, by private notice and file affidavit of service before the next date.

(GAURI GODSE, J.)