

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL(ST) NO. 13206 OF 2024
IN
INTERIM APPLICATION NO. 8894 OF 2024

P. Prabhakaran	...Appellant
Versus	
Ashok Kisanda Sugandhi (Deceased)	...Respondent

Adv. P.S. Dani Sr. Advocate i/b P. B. Kulkarni , for the Appellant.

Mr. Amey Sawant i/b Suresh M. sabrad, for the Respondent Nos. 1 to 4.

Ms. Neha Parte, for the Respondent No.5.

CORAM: MADHAV J. JAMDAR, J.

DATED: 14 JULY 2025

P.C.:

1. Heard Mr. Dani, learned Senior Counsel appearing for the Applicant, Mr. Sawant, learned Counsel appearing for the Respondent Nos. 1 to 4 and Ms. Parte, learned Counsel appearing for the Respondent No. 5.

2. There is delay of about 1 year and 35 days in filing the Second Appeal.

3. However, Mr. Dani, learned Senior Counsel states that the delay has occurred as Review Petition has been filed. He submits that the impugned Judgment and Decree is dated 21st December 2022 and the Review Petition seeking review of the impugned Judgment and Decree

has been dismissed by the order dated 21st March 2023. He states that, thereafter immediately the present Second Appeal has been filed on 3rd April 2023. He therefore submits that in these circumstances it is necessary to condone delay in filing the Second Appeal.

4. On the other hand, Mr. Sawant and Ms. Parte, learned Counsel appearing for the Respondents strongly opposes the Interim Application.

5. However, it is apparent that the delay has occurred due to filing of the review petition and the time required for the disposal of the same. Therefore, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clause (a).

6. Place the Second Appeal for admission on **28th July 2025**.

[MADHAV J. JAMDAR, J.]