

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

SECOND APPEAL NO. 595 OF 2023

Late Shri Raja Tahilram Balchandani
through Legal Heirs of the Deceased ...Appellants

Versus

Smt Veena Gangadas Chatwani ...Respondent

WITH

INTERIM APPLICATION NO. 3501 OF 2024

IN

SECOND APPEAL NO. 595 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Mr. Kamlesh P. Mali, for the Appellants.
Ms. Srushti Chalke, i/b Mr. Drupad Patil, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 25th FEBRUARY, 2026

PC:-

1. Heard the learned Counsel for the parties.
2. This appeal is directed against an order dated 22nd June, 2023 whereby an application preferred by the appellants to condone the delay in filing the appeal against the judgment and decree passed by the trial Court on 22nd October, 2018, came to be rejected.
3. With the consent of the parties and having regard to the relationship between the parties and the reasons assigned in the application for condonation of delay, which primarily revolve

around the fact that the appellants were unaware of the passing of the decree as the predecessor-in-title of the appellants was the defendant in the suit, the application stands allowed.

4. The impugned order stands quashed and set aside.
5. The application for condonation of delay in preferring the first appeal stands allowed.
6. The delay in preferring the appeal stands condoned, subject to the following conditions:
 - (a) The appellants shall deposit costs of Rs.35,000/- before the District Court, within a period of four weeks from today.
 - (b) In the event the costs are paid and the appeal is numbered, the learned District Judge is requested to make an endeavour to hear and decide the appeal as expeditiously as possible and, preferably, within a period of one year from 25th March, 2026, on which date the parties shall appear before the learned District Judge.
7. All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]