

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

**SECOND APPEAL NO.456 OF 2018**

Ramkrishna Raghunath Hire & Anr. ...Appellants  
Versus  
Bhaskar Tukaram More & Ors. ...Respondents

Mr. S. P. Dighe, for the Appellants.

Mr. Tushar N. Sonawane, for Respondent No.1.

Mr. S. A. Ghaisas, for Respondent Nos.2, 4 to 9.

**CORAM : MADHAV J. JAMDAR, J.  
DATED : 14<sup>th</sup> FEBRUARY 2023**

**P.C. :**

1. Heard Mr. Dighe, learned counsel appearing for the Appellants, Mr. Sonawane, learned counsel appearing for Respondent No.1 and Mr. Ghaisas, learned counsel appearing for Respondent Nos.2, 4 to 9.

2. The following substantial questions of law are involved in this Second Appeal.

i. Whether the learned First Appellate Court rejected the Civil Miscellaneous Application No.131 of 2016 seeking delay condonation in filing the

Sonali

Appeal challenging the Judgment and Decree dated 2<sup>nd</sup> May 2015 passed in Regular Civil Suit No.240 of 2011 by giving cogent reasons?

ii. Whether although sufficient reasons are set out, the learned First Appellate Court committed illegality in rejecting the delay condonation application?

3. As the issue involved in this Second Appeal is very narrow, issue notice to the Respondents, returnable on **28<sup>th</sup> March 2023**.

4. In addition to Court notice, the Appellants to serve the Respondents by private notice and shall file affidavit of service before the returnable date.

5. Mr. Sonawane waives notice on behalf of Respondent No.1 and Mr. Ghaisas waives notice on behalf of Respondent Nos.2, 4 to 9.

6. Notice to indicate that, subject to the convenience of the Court, the Second Appeal will be listed for final disposal on 28<sup>th</sup> March 2023 at 2.30 p.m.

[MADHAV J. JAMDAR, J.]