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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 804 OF 2026  
IN  
SECOND APPEAL NO. 278 OF 1996**

Smt. Anusaya Atmaram Patil ... Applicants  
since deceased through LRS

Vs.

Shri Balwant Krishna Patil ... Respondents  
since deceased through LRs

Mr. Sandesh Deshpande for the Applicants.

**CORAM : GAURI GODSE, J.**

**DATE : 12<sup>th</sup> JUNE 2026**

**ORDER :**

1. This application is for restoration of the second appeal which is dismissed for non-compliance of order dated 18<sup>th</sup> February 2020. By the said order conditional time was granted to file private paper book. There is a delay in filing this application.

2. Learned counsel for the applicants submits that the reasons for the delay are explained in the application. He submits that in view of the covid pandemic restrictions the applicants were unable to comply with the order within time.

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He submits that though the prayer for condonation of delay is of two years and four months, period of almost two years is exempted in view of the Apex Court's order. He has tendered acknowledgment of the service of this interim application on the advocate for the respondents. The acknowledgment is taken on record.

3. None appears for the respondent to oppose this application. In the facts and circumstances of the case and for the reasons stated in the application, delay, if any, is condoned and the application is allowed in terms of prayer clause (a), subject to the learned advocate for the applicants filing private paper book within four weeks from today.

4. Learned advocate for the applicants shall serve copy of this order on the respondents' advocate and file acknowledgment on record. Copy of the private paper book shall also be served upon the respondents' advocate.

5. Time to carry out amendment as per order dated 7<sup>th</sup> September 2010 in Civil Application No. 1316 of 2010 is extended by four weeks. Amended copy of the second appeal memo shall be filed on record along with private paper book.

6. Add the second appeal to the weekly final hearing board commencing from 3<sup>rd</sup> August 2026.

**[GAURI GODSE, J.]**