

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Civil Application No.12581 of 2010
In
Second Appeal Stamp No.25415 of 2010**

Ambabai w/o. Bhaurao Bharati
And Others.

.. Applicants.

Versus

Laxmibai w/o. Santaram Bharati
And Others.

.. Respondents.

Shri. S.C. Swami, Advocate, holding for Shri. V.D. Gunale,
Advocate, for applicants.

Shri. C.V. Thombre, Advocate, for respondent Nos.3 to 6.

CORAM: T.V. NALAWADE, J.

DATE : 28 AUGUST 2015

ORDER:

1) The application is filed for condonation of delay of 998 days caused in filing second appeal. Both sides are heard.

2) Submission is made that in the past Writ Petition No.5427 of 2008 was filed due to mistake. The

writ petition was disposed of by observing that the period taken for prosecuting the writ petition can be considered under section 14 of the Limitation Act. Said proceeding came to be disposed of on 17 August 2009 and the present proceeding came to be filed on 31 August 2010.

3) In view of the contentions made in the application, the submissions made and the aforesaid circumstances this Court holds that sufficient cause is shown. The application is allowed. Delay is condoned.

4) Notice in the second appeal. Shri.C.V. Thombre, learned counsel waives notice for respondent Nos.3 to 6. Notice to other respondents made returnable on 9th October 2015.

Sd/-
(T.V. NALAWADE, J.)

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