

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

61 CIVIL APPLICATION NO. 10220 OF 2015
IN FAST/23586/2015

PUTALABAI UTTAM MANE AND ANOTHER
VERSUS
ASHA UTTAM MANE AND OTHERS

...
Advocate for Applicants : Mr. V.B. Jadhav h/f. Hon Ashwin V.
...

CORAM : T.V. NALAWADE, J.
DATED : 22nd February, 2016.

ORDER :

1. The application is filed for condonation of delay of 3038 days caused in filing appeal against judgment and order of M.A. No. 93/2002, which was pending before Civil Judge, Senior Division, Osmanabad. The proceeding was filed for succession certificate by present appellants and it came to be dismissed on 17.1.2007. It appears that appeal against this decision was filed in District Court which was bearing No. 35/2007 and the appeal came to be returned on 4.7.2015.

2. The learned counsel for appellants submitted that due to his misconception the appeal was filed in District Court and due to that huge delay is caused. he submitted that appellant is entitled to get the benefit of section 14 of Limitation Act. Copies of aforesaid decisions are produced on the record

and they support the aforesaid contentions. In view of these circumstances, this Court holds that sufficient cause is shown. So, The application is allowed. Delay is condoned.

3. Notice in appeal to respondent, made returnable on 25.7.2016. Call record and proceeding.

[T.V. NALAWADE, J.]

ssc/