

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7185 OF 2016
(Dharma Motiram Chavan Vs. Adhar Motiram Chavan and others)
IN
SECOND APPEAL STAMP NO.110 OF 2015

Mr.A.G.Talhar h/f Mr.Pramod Gaikwad, Advocate for the applicant.

CORAM : RAVINDRA V. GHUGE, J.)

DATE : 08/12/2017

PER COURT :

1. None appears for respondent Nos. 1 and 3. Respondent No.2 has passed away and respondent No.4 has been deleted.

2. By this application, the applicant prays for condonation of delay of 1180 days. The reason for condonation is set out in paragraph Nos. 3 and 4 by which it is stated that the learned Advocate representing the applicant did not inform about the judgment delivered in the regular civil appeal dated 16/06/2011. Certified copy of the judgment was obtained on 11/10/2014 and the second appeal was filed on 05/01/2015. It is further stated that the suit property is an ancestral agricultural land and residential house property.

3. Considering the above and the fact that the applicant would lose a valuable right of preferring a second appeal since he has succeeded before the Trial and has failed before the First Appellate Court, this application is allowed.

4. Delay of 1180 days is condoned subject to the costs of Rs.7,500/-. As none have appeared today in this matter, the costs shall be deposited by the applicant with the Advocate Associations' Bar Library, High Court, Aurangabad on or before 15/01/2018. After the costs is deposited and the copy of the receipt is filed in the Office, the second appeal be registered. All office objections in the second appeal shall be removed by the applicant within 2 (two) weeks of the registration.

5. If the above direction is not complied with, this order shall stand recalled and the civil application shall then stands rejected.

(RAVINDRA V. GHUGE, J.)