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

**CIVIL APPLICATION NO. 4882 OF 2017
IN
SECOND APPEAL (ST.) NO. 4060 OF 2017**

Smt. Meerabai wd Punjaram Udawant ..APPLICANT

VERSUS

Rajendra s/o Kerba Bhosale ..RESPONDENT

Mr V. D. Salunke, Advocate h/f Mr P. S. Patil,
Advocate for applicant;
Mr A. N. Nagargoje, Advocate h/f Mr S. G. Thombre,
Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 3rd AUGUST, 2017

ORAL ORDER :

There is delay of 869 days caused in preferring the present second appeal.

2. Learned Counsel for the respondent submits that delay is not properly explained and there are no bonafides to establish the cause cited so as to condone the delay. He would further urge that in execution proceedings, the appellant has already

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appeared and contested the same and after execution of the sale deed, present appellant-original defendant had chosen to file present second appeal.

3. Having considered the submissions made, it is required to be noted that Meerabai-appellant/applicant before this Court is uneducated lady. Apart from above, the fact remains that after death of her husband in 1999, she appears to be only lady, who claimed to have consumed time in arranging funds in filing of the present appeal.

4. Looking to the explanation tendered, particularly the financial hardship, in my opinion, in the given circumstances, the delay caused is required to be condoned, subject to payment of costs of Rs.3000/- to the respondent within a period of four weeks from today. If cost of Rs.3000/- is not paid to the respondent within four weeks from today, the application for condonation of delay shall stand dismissed, as a consequence, the appeal shall also be failed and dismissed.

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5. Civil Application stands disposed of in
above terms.

(N.W. SAMBRE, J.)

Tupe