

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

**CIVIL APPLICATION NO. 14481 OF 2016
IN
SECOND APPEAL NO. 92 OF 1990**

Bhujangrao Pundlikrao Hamarde
& Anr.

..... APPLICANTS

V E R S U S

Nilawatibai Govindrao Ghogare
died – Thr. L.Rs. & Ors.

..... RESPONDENTS

.....

Mr. S.K.Kadam, Advocate for Applicants.

Mr. G.V.Sukale, Advocate for R – 2 to 7.

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 10th FEBRUARY, 2017

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ORDER :

1. Heard the learned counsel for the parties.

2. Learned counsel for the applicants purports to contend that while the matter was dismissed under the order dated 07/07/2016, an attempt had been made to have its restoration on the very day at the end of the

working hours, however the request had not been accepted. The absence of Advocate on 07/07/2016 had been under genuine reason. The application was ready within time, however as affidavit of applicant could be sworn only two (2) days after period for filing application had expired as applicant under unavoidable circumstances could not make it to Aurangabad in time. However, there is error in making further reference of delay being of 95 days while the matter was dismissed on 07/07/2016 and the present application was moved on 08/08/2016.

3. Under the circumstances, it appears to be expedient to grant indulgence to the applicant to condone the delay.

4. In view of aforesaid, Civil Application is allowed in terms of prayer clause 'A'. Delay stands condoned. Second Appeal stands restored and be proceeded with accordingly.

[SUNIL P. DESHMUKH, J.]