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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12280 OF 2016
IN
CIVIL REVISION APPLICATION STAMP NO.27103 OF 2016

Fakirrao Bhivsan Khillare

APPLICANT

VERSUS

Champabai Mukund Khillare

RESPONDENT

.....

Mr. Abhaya R. Rathod, Advocate for the applicant

Mr. K. A. Ingle, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 6th JANUARY, 2017

ORDER :

1. Heard learned advocates for the applicant and the respondent.
2. Although learned advocate for the respondent purports to resist the delay condonation application, he is not able to resist the same effectively, taking into account section 14 of the Limitation Act, which allows exclusion of time consumed in prosecuting proceeding *bona fide* before a different forum.
3. The delay has been occasioned, since an appeal had been preferred by present applicant against dismissal of his suit under

section 6 of the Specific Relief Act, on the second round after remand order by the appellate court in an appeal preferred by present respondent, against the decree, which had been passed in favour of present applicant in the suit.

4. In view of aforesaid, particularly having regard to section 14 of the Limitation Act, the applicant appears to have made out a case for condonation of delay.

5. Civil application accordingly stands allowed and is disposed of.

[SUNIL P. DESHMUKH, J.]