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

**1012 CIVIL APPLICATION NO. 16340 OF 2016
IN/WITH FAST/33328/2016**

**PANDIT KHANDERAO KULKARNI ND ORS
VERSUS
BABURAO DHONDIRAM SINGAPUR AND ORS**

...

Advocate for Applicants : Mr Kakade A.S., Advocate holding for Mr
Salunke V.D.

Advocate for respondent Nos. 1 & 4 : Mr Irpatgire A.N.

AGP for Respondent No.8: Mr C.V. Dharurkar

CORAM : V.K. JADHAV, J.

DATE : 28th April, 2017

ORAL ORDER

Heard the learned counsel for the applicants, learned counsel for respondent Nos. 1 & 4 and learned AGP for respondent No.8.

2. The learned counsel for the applicants submits that due to the old age and health issues, the applicants could not prefer the appeal within the period of limitation.

3. The learned counsel for the respondents have strongly resisted the application on the ground that the delay has not been explained satisfactorily.

4. In view of the above and for the reasons stated in the application, the delay of 167 days caused in filing first appeal is hereby condoned.

5. Civil Application is allowed and accordingly disposed of.

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6. So far first appeal is concerned, issue notice to respondents, returnable on 01.08.2017.

7. Learned counsel Mr Irpatgire waives notice for respondent Nos. 1 & 4 and learned AGP for respondent No.8.

8. Call record and proceedings.

(V.K. JADHAV, J.)

amj