

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

1060 CIVIL APPLICATION NO. 10685 OF 2016
IN SAST/1680/2016

HULLAJI HANUMANLU ROYALWARDSIED LRS SURESH AND ORS
VERSUS
SOW. SUSHILABAI NARSINGRAOPANDE THROUGH GPA MR.
SEETRAM PANDE

...
Advocate for Applicants : Mr. Gajanan S. Shembole
Adv. for Respondents: Mr. U.B. Bilolikar.

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CORAM : V.L. ACHLIYA,J.

DATED : 24th August , 2018.

Order :-

The application is filed for condonation of 2010 days delay caused in filing the second appeal.

2] Heard learned counsel for the applicant and respondent.

3] In short, it is the contention of learned counsel for the applicant, that delay caused in filing the appeal was not deliberate and intentional but caused due to the reason that after the decision of the appeal, some of the respondents have expired and, therefore, appeal could not be filed within time.

4] On the other hand, learned counsel for the respondent opposed the application with contention that the reasons set out in the application do not make out a case for condonation of delay. It is pointed out that the averments made in the application are vague and general in nature.

5] On due consideration of the submissions advanced, I am of the view that no sufficient cause has been assigned to condone the delay of 2010 days caused in filing the second appeal. The judgment and order impugned by way of appeal came to be passed on 16th April, 2010. The legal heirs of deceased respondent No.1 i.e. respondent 1/1,1/2, 1/3 as well as 1/4 , 1/5 and 1/6 were respondents before the appellate court and, therefore, their names find place in the cause title of the appeal decided by the appellate court. Similarly, applicant Nos. 2 to 4 were also parties to the appeal decided in the year 2010. Except, the respondent no.1/4 in the original Regular Civil Appeal No. 8/2006, all applicants are alive.

6] In that view, the reason assigned is totally false and concocted. I am, therefore, not inclined to condone the delay. Accordingly, the civil application is rejected.

[V.L. ACHLIYA]
JUDGE

grt.