

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO. 2798 OF 2017
IN SAST/3557/2017 WITH CA/2799/2017 IN
SAST/3557/2017

ABHIJIT UTTAMRAO DESHMUKH AND OTHERS
VERSUS
MAHIPAL PRALHAD DESHMUKH AND OTHERS

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Advocate for Applicants : Mr. Wagh S.S.
Mr. SS Dixit, Adv. h/for Mr. AN Nagargoje, Adv.
for Respondents: 1 to 3.

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CORAM : P.R.BORA, J.

DATE : 11th July, 2018.

PER COURT :

1) Heard Shri Wagh, learned counsel appearing for applicants/appellants on application for condonation of delay. The learned counsel for the applicants seeks leave to delete name of Respondent No.4. Leave granted. Necessary amendment be carried out forthwith.

2) Delay of 37 days has occurred in filing the second appeal. Though learned counsel for the respondents has opposed for condoning the delay stating that the reasons assigned are not just and sufficient, on perusal of the applicant it is noticed that the delay has been sufficiently explained. Otherwise also, the

matters are to be decided on merit. Further, the delay is of a shorter period.

3) In the circumstances, the delay caused in filing the appeal stands condoned. CA stands disposed of. Second appeal be registered in accordance with law.

4) On registration of the appeal, issue notice to the respondent, returnable after three weeks.

5) Learned Counsel Shri Nagargoje waives service for Respondent Nos.1 to 3. The appellant to serve the remaining respondents

(P.R.BORA)
JUDGE

bdv/