

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

**910 CIVIL APPLICATION NO. 645 OF 2012
IN
SECOND APPEAL STAMP NO. 26652 OF 2009**

KHATRYA KESHA TADVI & ORS.

VERSUS

RADTYA VESLYA TADVI – DIED
TRO. L.RS. DHANYA RADTYA TADVI & ORS.

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Mr. Mukul S.Kulkarni, Advocate for Applicants.

Mr. P.N.Kutti, Advocate for R – 1-A to 1-E.

Mr. C.R.Deshpande, Advocate for R – 2.

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CORAM : V.L.ACHLIYA, J.

DATE : 13th APRIL, 2018

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ORAL ORDER :

1. Heard learned counsel for the applicants and respondents. Perused the application.
2. By the present application, the applicants have urge to condone 172 day's delay in filing Second Appeal.
3. In nut-shell, it is the contention of learned counsel for the applicants that the delay is not intentional but it

was caused due to the circumstances beyond their control. According to the applicants, they are illiterate and Adivasi and residing in remote village in Satpuda hills. They do not have legal acumen and daily contact with the civilian world which leads to delay in filling Appeal.

4. Having regard to the unchallenged pleadings of the applicants and the cause assigned, I am inclined to allow the application. Hence, the following order is passed.

ORDER

[i] The application is allowed in terms of prayer clause 'A' with no order as to costs.

[ii] Office to register the Appeal and place for admission on 26/04/2018.

5. The application stands disposed of.

[V.L.ACHLIYA, J.]