

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

11 CIVIL APPLICATION NO. 2250 OF 2017
IN SAST/28677/2016

EKNATH YASHWANT KANDEKAR
VERSUS
SAHEBRAO YASHWANT KANDEKAR AND OTHERS

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Advocate for Applicants : Mr A A Phad h/f Gaware Niteen V.
Mr Kale h/f Chaudhari Deepak D For R/1.

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CORAM : V.K. JADHAV, J.
Dated: February 09, 2018
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PER COURT :-

1. Learned counsel for the applicant submits that, second appeal could not be filed within limitation due to ill health of the applicant, who is above age of 60 years.
2. Learned counsel for respondent has strongly resisted the application on the ground that delay has not been explained satisfactorily.
3. In view of the submissions above made on behalf of the applicant and for the reasons stated in the application, application is allowed in terms of prayer clause A. CA disposed of.
4. In appeal, issue notice to the respondents, returnable on 6.4.2018. Learned counsel waives notice for respondent no.1.

(V.K. JADHAV, J.)

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