

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3119 OF 2017

Sudhakar Sakharam Wable

...Applicant

Versus

Branch Manager, Irrigation Branch,
Kolegaon & Ors.

...Respondents

.....

Mr. Y. D. Kale, Advocate H/F Mr. R. R. Karpe, Advocate
for Appellant.

Mr. S. B. Patil, Advocate for Respondents No. 1 & 2.

Mr. Y. G. Gujarathi, A. G. P. for Respondent No. 3-State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11-01-2019.

ORAL ORDER :

01. Present application has been filed for
condonation of delay of 37 days.

02. The appellant / applicant intends to file the
present appeal, who was the original plaintiff and had
filed R. C. S. No. 132 of 2008 before Civil Judge, Senior
Division, Kopergaon. His suit was dismissed. Thereafter,
he had preferred R. C. A. No. 1 of 2011 before District
Judge-2, Kopergaon. It came to be dismissed on 21.7.2015.
It is stated that due to the communication gap between him

and his Advocate, he was not aware about the decision. However, after getting knowledge, he immediately collected necessary documents and he took sometime to engage Advocate at Aurangabad. The delay is unintentional.

03. The learned A. G. P. appearing for respondent No. 3 raised objections stating that the delay of each and every day has not been explained. None present for respondents No. 1 and 2.

04. It is to be noted that the present appellant / applicant appears to be aged 69 years. He is an Agriculturist residing at village Suregaon in Kopargaon Taluka. There appears to be some substance in his say that due to the inadvertence and communication gap, he could not contact his Advocate in time. In fact, his Advocate had also equal duty to inform the result of the appeal to him. The delay is of only 37 days. Under such circumstance, it deserves to be condoned.

05. Hence, following Order;

ORDER

(i) Application is hereby allowed.

(ii) The delay caused in filing second appeal is condoned.

(iii)Registry to verify and number the second appeal
and put it for consideration on 13.2.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-