

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

**CIVIL APPLICATION NO.2914 OF 2019
IN SAST/3115/2019 WITH CA/2915/2019 IN
SAST/3115/2019**

KASHIRAM MAHADU PATIL DIED THROUGH LRS SANJAY
AND OTHERS
VERSUS
DATTU MADHAV PATIL

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Mr.S.R. Dheple, Advocate for the applicants.

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CORAM: V.L. ACHLIYA,J.

DATE : 21.06.2019

ORAL ORDER:

The present application is filed for condonation of delay of 1778 days in filing the Second Appeal for the reasons set out in the application.

2. Heard learned counsel for the applicants. The respondent though served absent.

3. In brief, it is the contention of learned counsel for the applicants that the delay in filing the appeal was occurred due to reason that the Advocate appearing in the matter before the First Appellate Court has not informed about the decision even in

appeal. Only after receipt of the notice of execution, applicants came to know about the decision in the case. Immediately, thereafter the applicants have made the application for certified copies and presented the appeal, after arranging the funds and other documents. In this background, learned counsel submits that the delay was not intentional and caused mainly for the reason that the Advocate in the First Appellate Court has not informed about the decision in the matter. It is submitted that if the delay is not condoned then the meritorious matter will get dismissed for technical reason.

4. The Respondent though served failed to record appearance.

5. Considering the reasons assigned for condonation of delay which remain uncontroverted, I am of the view that the delay deserves to be condoned. Accordingly, the application is allowed in terms of prayer clauses "A" and "B" and the same stands disposed of. The delay is condoned.

6. Appeal be registered subject to

removal of office objection.

7. List the appeal for admission on 24th
July, 2019.

[V.L. ACHLIYA]
JUDGE

SGA