

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO.10337 OF 2018
IN SAST/4862/2018

Anandrao Bhila Patil,
Age 66 years, occupation Agriculture,
R/o Brahmane, Post Utran,
Tal. Erandol Dist. Jalgaon. ...Applicant.

VERSUS

Sarpanch,
Group Grampanchayat Brahmane,
Shri. Kiran Shantaram Patil,
Age 41 years, Occuaption Agri.,
R/o Brahmane Post Utran
Tal. Erandol Dist. Jalgaon.
And Other (1) ...Respondents

...
Advocate for Applicant : Mr. Patil Vijay Y.

...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 10-01-2019.

ORAL ORDER :

1. Present application has been filed for condoning the delay of 56 days in filing second appeal. The applicant is the original plaintiff. He intends to challenge the Judgment and decree passed in Regular Civil Appeal No. 97 of 2011, dated 16-09-2017 passed by District Judge-2, Jalgaon, which was arising out of Judgment and decree passed in Regular Civil Suit No. 33 of 2007 passed by learned Civil Judge, Junior

Division, Erandol on 31-03-2011. The suit was for perpetual injunction.

2. The respondents No.1 and 2 are duly served but they have failed to appear. The applicant says that, he is a poor agriculturist, a senior citizen, he took time to consult his advocate, under such circumstance the delay is not deliberate. There is no reason to disbelieve the said statement of the applicant. Since the application is uncontested, therefore for the reasons stated in para No.02 of the application, the delay caused in filing appeal is hereby condoned. The application is disposed of accordingly.

3. The Registry to verify and register the second appeal. The second appeal as well as application No. 10338 of 2018 be put for consideration on 28-01-2019.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.