

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

959 CIVIL APPLICATION NO.8427 OF 2018
IN SAST/7324/2018 WITH CA/8426/2018 IN SAST/7369/2018

DNYANESHWAR BABURAO PATIL (MARATHE)
VERSUS
ANAND LAND DEALERS AND DEVELOPERS -MAHENDRAKUMAR AND
OTHERS

...
Mr. Girish Nagori, Advocate for the applicant
...

CORAM : SMT. VIBHA KANKANWADI,J.

DATE : 18th JANUARY, 2019

PER COURT :

1 Heard learned Advocate appearing for the applicant-original plaintiff. Plaintiff had filed suit for declaration. It was decreed. He as well as the defendant filed appeals and both the appeals were disposed of by common Judgment i.e. Regular Civil Appeal Nos.140/2008 and 60/2011. By Judgment and Decree dated 30.01.2017, the appeals filed by the present respondents came to be allowed. The present applicant intends to challenge the said Judgment and Decree, however, there is delay of 299 days. It is stated that the applicant had contacted his Advocate at Aurangabad and after his consultation when he decided to file Second

Appeal, he was required to collect money for the Court fee and other expenses, he is coming from the remote area and therefore, he prayed for condonation of delay.

2 The respondents were served, however, they are absent. Taking into consideration the fact that whatever has been stated in the application has gone unchallenged. Liberal approach is required to be taken to condone the delay. Hence, application is allowed. Delay in filing Second Appeal is hereby condoned. Registry to verify and register the appeal and it be placed for consideration on 18.02.2019.

(Smt. Vibha Kankanwadi, J.)

agd