

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

CIVIL APPLICATION NO.8426 OF 2018
IN
SECOND APPEAL NO.7369 OF 2018

DNYANESHWAR BABURAO PATIL (MARATHE)
VERSUS
BABURAO SHIVRAM PATIL DIED LRS AND OTHERS

...
Mr. Girish Nagori, Advocate for the applicant
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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. Defendant Nos.1 & 2 as well as defendant No.3 filed appeals and both the appeals were disposed of by common Judgment i.e. R.C.A. 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, following order.

ORDER

1 Application is allowed.

2 Delay in filing Second Appeal is hereby condoned.

3 Registry to verify and register the Second Appeal and it be placed for consideration on 18.02.2019.

(Smt. Vibha Kankanwadi, J.)

agd