

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**921 CIVIL APPLICATION NO.5695 OF 2018
IN SAST/7508/2018**

NAZAM SHAKKARJI

VERSUS

SHAIKH LALMIYA BEGULLA SINCE DECEASED
THROUGH L.RS.

...
Advocate for the applicant : Mr. Shrimant Munde
Advocate for respondents No.1B to 1G : Mr. V. A. Bagdiya
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 02-04-2019.

PER COURT :

1. Present application has been filed to get delay of 39 days in filing second appeal condoned. It has been stated that, due to old age and illness the applicant could not file the second appeal within time. Though in the title the applicant has not given his age, but for the affidavit it is stated that he is 70 years old.
2. Taking into consideration the said fact and the fact that 39 days delay is not inordinate and huge, though the application has been strongly opposed by legal heirs of respondent No.1 by contending that proper explanation of the delay has not been given ; taking liberal

approach the delay is hereby condoned.

3. Application is hereby allowed and disposed of accordingly. Registry to verify and register the second appeal and place it for consideration on 25-04-2019.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.