

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

958 CIVIL APPLICATION NO.5240 OF 2018
IN SAST/8714/2018

SUBHANBI MOHD. KASAM (DEAD) LRS NASEEMBANO AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THRO. COLLECTOR, JALNA AND OTHERS

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Mr. U.V. Khonde, Advocate for the applicants

Mr. Y.G. Gujrathi, GP for the respondents/State

Mr. Jiwan J. Patil, Advocate for the respondent Nos.6 & 7

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 18th JANUARY, 2019

PER COURT :

1 Present application has been filed for condonation of delay of 36 days for filing Second Appeal. Appellants are the original plaintiffs who filed Special Civil Suit No.73/2001 before the Civil Court Senior Division, Jalna which came to be dismissed on 18.12.2007. Thereafter, they have preferred appeal bearing R.C.A. No.20/2008 which came to be dismissed by Adhoc District Judge, Jalna on 16.11.2017. Now, they intend to prefer Second Appeal. However, there is delay. It is stated that applicant No.1 was looking after the proceedings and others are actually residing at

Mumbai. They were not aware about the decision of the case. When applicant No.1 is old lady, she was required to make arrangements to take consent of all the other applicants and therefore the time is consumed.

2 Taking into consideration the delay of only 36 days, liberal approach is taken. Hence, following order.

ORDER

- 1 The delay is condoned.
- 2 Registry to verify and register the Second Appeal.
- 3 It be placed on 22.02.2019.

(Smt. Vibha Kankanwadi, J.)

agd