

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

922 CIVIL APPLICATION NO.6337 OF 2019
IN SAST/11952/2019

RAJU SANDU BHOLE
VERSUS

JYOTI LAXMAN GAIKWAD AND ANOTHER

Mr. A. D. Kasliwal, Advocate for the applicant

CORAM : S. M. GAVHANE, J.

DATE : 13-12-2019

P. C.

. By this application applicant has sought to condone 75 days delay caused in filing the second appeal against the order of rejecting the application by the District Judge-14, Aurangabad to condone the delay caused in filing the appeal against the decree in RCS No. 962 of 2005, passed by the 8th Jt. Civil Judge, Junior Division, Aurangabad.

2. Both the respondents are served but they have not appeared.

3. Mr. Kasliwal, learned counsel for the applicant submitted that there was delay in filing the appeal against the decree in RCS No. 962 of 2005 passed by 8th Jt. CJJD, Aurangabad on 04-12-2009 and therefore, the applicant filed appeal alongwith delay condonation application bearing No. MARJI No. 267 of 2015 in the

District Court, Aurangabad to condone the delay. But the said application was rejected on 11-10-2018. Applicant was advised to file review application. Accordingly, review application No. MA No. 333 of 2018 was filed in the District Court and it was rejected on 13-03-2019 by the District Judge-14, Aurangabad and thus, time was spent in prosecuting the review application. Thus, there is sufficient cause to condone the delay and no negligence can be attributed to the applicant. Considering the submissions of the learned counsel for the applicant and the fact that respondents have not denied the contentions in the application it is just to condone the delay. Therefore, delay caused in filing the appeal as requested by the applicant is condoned and application is allowed.

4. Second appeal be registered and placed before the court for further necessary orders.

[S. M. GAVHANE, J.]