

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1043 CIVIL APPLICATION NO.13918 OF 2016
IN SAST/13657/2016

SANDEEP BALKRUSHNA PATHARE AND ANR
VERSUS
RUKHMABAI KHANDERAO MEGHAL AND ORS

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Advocate for Applicant : Mr. P. S. Dighe
Advocate for Respondents No.2 and 3 : Mr. D. G. Nagode
Advocate for Respondents No.4/A to 4/D, 4E/1 to 4E/3 and 4F and
4G : Mr. V. R. Dhorde.

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 14-06-2019.

PER COURT :

1. Present application has been filed for getting the delay of 138 days condoned which has been occurred for filing second appeal.
2. The applicants submit that, they himself and respondent No.4 appellants had filed Regular Civil Appeal No.213 of 2012 before learned District Judge -2, Vaijapur. It came to be decided on 07-09-2015. Thereafter the present applicant along with respondent No.4 had preferred Review Petition No.01 of 2015 before learned District Judge -2, Vaijapur raising various grounds for review of the Judgment and order passed in Regular Civil Appeal No.213 of 2012. That review application came to be dismissed on 24-02-2016. Under those circumstances the delay has been caused. It is stated that, since the applicants were pursuing another legal remedy, the delay has been caused, it is unintentional.

3. The application has been objected by learned advocate for respondents No.2 and 3 on the ground that the delay has not been explained properly.

4. Taking into consideration the fact that the applicants were pursuing the legal remedy, the delay cannot be said to be intentional, and therefore, good ground has been made to condone the delay. The application stands allowed. Delay is hereby condoned.

5. Registry to verify and register the second appeal and place it for consideration before appropriate Bench.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-