

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11012 OF 2017
IN SECOND APPEAL STAMP NO. 20303 OF 2017

Purushottam Supdu Sonar & Ors. ...Applicants

Versus

Janardhan Supdu Sonar ...Respondent

.....
Mr. P. B. Gamot, Advocate for Applicants.

.....
CORAM : SMT. VIBHA KANKANWADI, J.
DATE : 11-01-2019.

ORAL ORDER :

01. Present application has been filed by the applicant / original defendants for condoning the delay in filing second appeal.

02. The applicants intend to challenge the Judgment and decree in R. C. A. No. 194 of 2004 passed by learned District Judge-4, Jalgaon dated 18.2.2017. It was arising out of the Judgment and decree passed in R. C. S. 44 of 1993 dated 23.6.2004 by Civil Judge, Junior Division, Erandol, Dist. Jalgaon. There is delay of about 20 days. It is stated that the applicants are residing at different places and it took time to contact each other, collect documents and contact Advocate at Aurangabad.

03. Respondent No. 1 is duly served, appeared

through Advocate. However, the learned Advocate is absent. Further, by order dated 7.12.2018 respondent No. 2 and 2b have been deleted.

04. Heard learned Advocate appearing for the applicants.

05. Taking into consideration the fact that there is delay of only 20 days and also the fact that the applicants are residing at different places. One of them resides in Gujarat State. There is substance in their say that it took time to them to contact each other, take the decision to file appeal, collect documents and engage Advocate.

06. Hence, following order;

ORDER

(i) Application is hereby allowed.

(ii) The delay caused in filing second appeal is hereby condoned.

(iii) Registry to verify and register the appeal and it be put for consideration on 13.2.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-