

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 11953 OF 2017  
WITH CIVIL APPLICATION NO. 11954 OF 2017**

Vijaykumar Maruti Suryawanshi ...Applicant

Versus

Sau. Anusayabai Dattu Umatwade & Ors. ...Respondents

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Mr. Lex Aquila, Advocate & Ms. M. P. Thube-Mhase,  
Advocate for Applicant.

Mr. V. M. Vibhute, Advocate for Respondents No. 1 & 2.

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**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 17-01-2019.**

**ORAL ORDER :**

01. Present application has been filed for condoning the delay of 38 days in filing the second appeal. Heard both the sides. It has been contended that the delay is unintentional. The learned Advocate appearing for the appellant / applicant submits that it is her mistake and due to her, the delay has been caused. Due to the delay caused by the Advocate, the party should not suffer. The application has been objected on the ground that the delay of each and every day has not been explained. In fact, no reasons have been given in the application itself and also

the fact that the delay condonation application, which was preferred before the first Appellate Court was rejected. That means the present applicant is in habit of committing delay.

02. Taking into consideration the fact that delay is of only 38 days, that too caused due to the learned Advocate, the party should not suffer. The case is made out to condone the delay. Hence, the application is allowed. The delay is condoned. Registry to verify and register the second appeal and place it for consideration on 11.2.2019.

03. The learned Advocate for the respondent says that he has personal difficulty and he also wants to file reply.

**[SMT. VIBHA KANKANWADI]**

**JUDGE**

*Dahibhate/-*