

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

924 CIVIL APPLICATION NO.12769 OF 2018  
IN SAST/28014/2018 WITH CA/12770/2018 IN SAST/28014/2018

DINKAR RAJANNA VANGGA AND ANOTHER  
VERSUS  
NARSAMMAIBAI RAJANNA VANGGA AND OTHERS

...

Mr. S.V. Suryawanshi, Advocate for the applicants  
Mr. Mr. V.S. Bedre, Advocate for the respondent Nos.1 and 3

...

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

**DATE : 24<sup>th</sup> JANUARY, 2019**

**PER COURT :**

1           No steps have been taken. In view of order dated 10.01.2019 the appeal stood disposed of as against respondent No.6.

2           Present application has been filed for getting the delay of 62 days in filing the Second Appeal condoned.

3           The present applicants are the original defendant Nos.1 and 2. Present respondent Nos.1 to 4 had filed the suit for partition and separate possession bearing Special Civil Suit No.3/2006 before 2<sup>nd</sup> Jt. Civil Judge Senior Division, Ahmednagar. It came to be decreed on 19.03.2008. It appears that the present applicant Nos.1 and 2 had approached the District Court, Ahmednagar in R.C.A. No.335/2012. It came to be dismissed on

03.04.2018. Now, they want to challenge the said Judgment and Decree further in Second Appeal, however, there is delay. It is stated that though the appellants had approached the Advocate at Aurangabad within time, however, they were not having requisite copies, much less the certified copies which are required for preparation of the Second Appeal and filing of the same. Thereafter, there was misunderstanding and they were ultimately required to go back and obtain certified copies in their third round. It is stated that the delay is unintentional and due to lack of legal knowledge it has been caused.

4           The application has been objected on the ground that the delay of each and every day has not been explained and whatever reason has been given is not at all reasonable and sufficient.

5           Heard both sides. Taking into consideration the fact that again and again the appellants were required to obtain certified copies to the satisfaction of the Advocate, it cannot be said that they were at fault. By taking liberal approach the delay is condoned. Registry to verify and number the Second Appeal and it be placed for consideration on 22.02.2019.

**( Smt. Vibha Kankanwadi, J. )**