

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

7 CIVIL APPLICATION NO.15014 OF 2017
IN RC/1399/2018

JEMABAI MAKDYA VALVI (DEAD) LRS SHABRIBAI MADHUKAR VALVI
VERSUS
KOTUBAI DAVA VALVI (DEAD) LRS SAGUBAI AND OTHERS

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Advocate for Applicant : Mr. Saisagar A .Ambilwade & Mr. Nikhil S. Tekale
Advocate for Respondents no.3A & 3D : Mr. Ruchir S. Wani (Absent).
Respondents no.1A, 1B/1 to 1B/4, 1D, 2, 3B & 3C, 4, 5, 6A to 6C, 7 & 9 served
(Absent).

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15TH APRIL 2019

ORAL ORDER :

01. Present application has been filed for getting the delay of 34 days condoned in filing second appeal.

02. The applicant contends that she had secured the certified copies within reasonable time. She was advised thereafter to contact an Advocate at Aurangabad to file second appeal and accordingly she had contacted Advocate at Aurangabad. But then, the concerned Advocate asked her to collect more certified copies. It took time to her. The applicant is an old lady suffering from high blood pressure. Further, she had retired long back and,

therefore, she could not take immediate steps. She says that the delay is unintentional.

03. Learned Advocate Mr. R.S. Wani represents respondents no.3A and 3D, however, he is absent. Respondents no.1A, 1B/1 to 1B/4, 1D, 2, 3B & 3C, 4, 5, 6A to 6C, 7 & 9 are served, but they remained absent.

04. The contents of the application have not been controverted by filing any reply on behalf of the respondents. Under such circumstance, whatever contents in the application, they have gone unchallenged. Further, it can also be seen from the fact that the applicant is 57 year old lady retired and doing household work, coming from rural area. Therefore, delay of 34 days deserves to be condoned.

05. Hence, the following order :-

The application is allowed. Delay is condoned. Registry to verify and register the second appeal. After registration, the second appeal be placed for consideration on 19th June 2019.

(Smt. Vibha Kankanwadi)
JUDGE

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