

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO.14803 OF 2018
IN SAST/32421/2018

GORABA NIVRUTTI SHELKE

VERSUS

RAMCHANDRA NIVRUTTI SHELKE AND OTHERS

...
Advocate for Applicant : Mr. Patil B.N.
Advocate for Respondents No.1 to 4 : Mr. S. S. Panale
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 01-02-2019.

PER COURT :

1. Heard both sides. Present application is filed for getting 284 days delay condoned in filing second appeal. Present applicant/appellant is the original plaintiff No.2. Suit bearing Regular Civil Suit No.510 of 2009 which was then renumbered as 317 of 2010 was filed before Civil Judge, Junior Division, Latur. It came to be dismissed on 15-12-2014. The said Judgment and decree was challenged before the District Court, Latur in Regular Civil Appeal No. 08 of 2015. The said appeal was heard by learned District Judge -4, Latur and it has been dismissed on 10-10-2017. Now the original plaintiff No.2 intends to file the second appeal, however there is delay.
2. It is stated that, the applicant got knowledge about dismissal of the appeal in the third week of March 2018, and therefore, he applied

for the certified copies thereafter. After receiving the copies, he decided to file appeal and when he contacted the advocate, he was asked to bring some more documents for which again he was required to obtain copies. It is stated that, the applicant is a rustic agriculturist coming from a drought area of Marathwada Region. The delay is unintentional, and therefore, he prays for condonation of delay.

3. The application has been strongly opposed on the ground that, delay of each and every day has not been explained. The applicant was not diligent in collecting the certified copies.

4. Taking into consideration the fact that, the applicant is coming from a rural background and the fact that because he was advised by his advocate to obtain some more documents which might be necessary for the preparation of the second appeal, under such circumstance the delay appears to be unintentional. Taking liberal view, the delay is hereby condoned. Registry to verify and register the appeal and it be placed for consideration on 06-03-2019.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.