IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13286 OF 2018
IN SECOND APPEAL STAMP NO. 34696 OF 2017

Sangita Dagdu Chavan ...Applicant

Versus

Dashrat Kanhiram Chindhote & Ors. ...Respondents

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Mr. Dr. S. D. Tawshikar, Advocate for Applicant.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11-01-2019.

ORAL ORDER :

01. Heard learned Advocate for the appellant. None present for respondents.

02. The appellant intends to challenge the Judgment and decree passed in R. C. A. No. 201 of 2013 by learned District Judge, Jalna dated 29.4.2017. In the said appeal, the Judgment and decree passed in R. C. S. No. 43 of 2011 by Civil Judge, Junior Division, Jafrabad, Dist. Jalna dated 11.9.2013 was challenged. It is stated that there is delay of about 66 days. The applicant contends that she had approached the Advocate in time. But, however, the Advocate noticed some typographical errors in the Judgment and decree passed by the learned District

Judge, therefore, he advised her to get the same corrected. Accordingly, the application was preferred on 29.4.2017 by M. A. 108 of 2017. It is stated that the said application was still pending when she filed the second appeal and the present application. It is submitted by the learned Advocate for the applicant now the said application has been allowed and the typographical errors have been corrected on 4.8.2018.

03. Taking into consideration these facts, the delay appears to be unintentional because the applicant was required to seek further legal re-course. Under such circumstance, case is made out to condone the delay.

04. Hence, following order;

ORDER

(i)Application is allowed.

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

(iii)Registry to verify and register the appeal and it be placed for consideration on 11.2.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-