

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
914 CIVIL APPLICATION NO.11484 OF 2019
IN SAST/24625/2019

KAKASAHEB BAPURAO DAKE AND OTHERS
VERSUS
ASHOK MADHAVRAO DAKE AND OTHERS

Mr. H. V. Tungar, Advocate for the applicants
Mr. A. G. Ambetkar, Advocate for respondent Nos. 1, 2
and 3.

CORAM : S. M. GAVHANE, J.
DATED : 09.01.2020

PER COURT :-

. Heard learned counsels appearing for the parties.

2. By this application applicants/original plaintiffs have prayed to condone delay of 15 days caused in filing second appeal on the grounds mentioned in paragraph No. 7 of the application. The second appeal is filed aggrieved by the decision in RCA No. 145 of 2014 dated 09/04/2019.

3. Learned counsel appearing for applicants submitted that applicants ought to have filed appeal on or before 23/07/2019. However, due season of cultivation as applicants are agriculturist they were engaged in sowing etc; they could not file the appeal in time and therefore the delay has been caused. The same is

unintentional. It is submitted that therefore same may be condoned.

4. Learned counsel appearing for the respondent though opposed to grant the application, nothing is placed on record to substantiate the objection.

5. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in paragraph No. 7 of the application, delay is to be condoned as it is not intentional and as sufficient grounds are shown to condone the delay. Delay is condoned. Application is allowed in terms of prayer clause (B).

6. Appeal be registered. Mr. Ambetkar, Advocate waives service of notice for respondents. Place the appeal for further consideration and order on 17/02/2020.

7. Learned counsel appearing for the appellants to supply copies of memo of appeal to the other side.

[S. M. GAVHANE, J.]