

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO.2028 OF 2019
IN SAST/28512/2017

SHANTABAI WAMAN DEVLALIKAR (DECEASED)
LRS NILKANTH AND OTHERS
VERSUS
DEVIDAS SHANKAR MAHALE

Mr. V. H. Dighe, Advocate for the applicants
Mr. S. S. Kulkarni, Advocate for the respondent

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

PER COURT :-

. Heard learned counsels appearing for the parties.

2. Perused the application and affidavit-in-reply filed by the respondent. The same is taken on record.

3. By this application the applicants/appellants have prayed to condone delay of 46 days caused in filing second appeal. The second appeal is filed aggrieved by the decision in RCA No. 75 of 2013 dated 25/01/2017 of District Judge-2, Kopergaon.

4. Learned counsel appearing for the applicants submitted that delay has been caused due to the reasons given in paragraph Nos. 3 and 4 of the application and it is submitted that for collecting necessary information the applicants had to spend time and

therefore, delay has been caused. It is not intentional and, therefore, same may be condoned.

5. Learned counsel for the respondents opposed to grant the application on the ground that no sufficient cause is shown.

6. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in the application, it is just to condone the delay caused in filing appeal as delay appears unintentional. Therefore, delay is condoned. Application is allowed in terms of prayer clause (A).

7. Appeal be registered. Mr. Kulkarni, Advocate waives service of notice for the respondent. Learned counsel appearing for the appellants states that he will supply copy of appeal memo to the other side.

8. Place the appeal for further consideration on 17/02/2020.

[S. M. GAVHANE, J.]