

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

926 CIVIL APPLICATION NO.13076 OF 2019
IN SAST/29149/2019 WITH CA/13077/2019 IN
SAST/29149/2019

**KHURSHIDBEE OSMANSAB KURESHI
VERSUS
BIBI IBRAHIMSAB KURESHI AND OTHERS**

Mr. Annasaheb S. Kadam, Advocate for the applicant
Mr. Gaurav L. Deshpande, Advocate for respondent Nos. 1 to 5

CORAM : S. M. GAVHANE, J.

DATE : 28-01-2020

P. C.

. Applicant/original defendant No. 1 who has filed second appeal aggrieved by the judgment and decree dated 22-04-2019 passed by the learned Principal District Judge, Latur in RCA No. 79 of 2016 has filed this application to condone the delay of 50 days caused in filing the second appeal.

2. Learned counsel appearing for the applicant referring the grounds mentioned in paragraph Nos. 4 and 5 of the application submitted that due to miscommunication between the applicant and his Advocate delay in filing the appeal has been caused which is unintentional and therefore, same may be condoned in the interest of justice by allowing the application.

3. Learned counsel appearing for the respondents strongly

opposed to grant the application, but nothing has been placed on record to substantiate the objection.

4. Considering the submissions made by the learned counsel appearing for the applicant and grounds mentioned in paragraph nos. 4 and 5 of this application, I find that sufficient cause is shown to condone the delay caused in filing the second appeal and therefore, it needs to be condoned. Therefore, delay is condoned. Application is allowed in terms of prayer clause-B.

5. Appeal be registered.

6. Mr. Deshpande, Advocate waives service of notice before admission in the second appeal for all the respondents.

7. Place the appeal for admission on 20-03-2020.

8. Appellant to supply copies of second appeal to the Advocate representing the respondents within two weeks.

[S. M. GAVHANE, J.]