

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11870 OF 2019
IN SAST/30067/2019

GOKUL RAMBHAU HARKAL MINOR U/G. RAMA ASHROBA HARKAL AND
ANOTHER
VERSUS
SITABAI ASHROBA HARKAL AND OTHERS

Mr.P.N. Kalani, Advocate for the applicants.

Mr.Dhananjay Mane h/f. Mr.Milind Patil, Advocate for
respondent Nos. 1 to 4.

Mr.S.M. Gunjal, Advocate for respondent Nos.5 to 15.

CORAM : S.M.GAVHANE,J.

DATED : 13.01.2020

P.C. :-

. The applicants, who are original defendant Nos. 12 and 13 have filed the Second Appeal aggrieved by the decision in Regular Civil Appeal No.88 of 2012, dismissing their appeal by the Appellate Court, thereby confirming the judgment and decree in Regular Civil Suit No.39 of 2012 filed against them by the respondent, with this application to condone delay of 233 days caused in filing Second Appeal.

2. Mr. Kalani, learned Counsel appearing for the applicants submitted that the applicants are residing in remote area. Therefore, after judgment in appeal, they could not get information about decision in the appeal in

time and as such as there was communication gap, the delay has been caused. It is submitted that the delay is not intentional and therefore same may be condoned. It is also submitted that though the applicants were served with notice of execution, as they are illiterate, they could not make enquiry with their advocate.

3. Learned counsel appearing for the respondents though opposed to grant the application, there is nothing on record to substantiate the said objection.

4. Considering the submissions made by learned counsel appearing for the applicants and the grounds mentioned in the application, particularly, in paragraph Nos. 3,4 and 5 of the application, it appears that the delay caused in filing appeal is not intentional and it needs to be condoned. Therefore, the delay is condoned. The Civil Application is accordingly allowed.

[S.M.GAVHANE, J.]