

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO.371 OF 2020
IN SAST/34105/2019 WITH CA/372/2020 IN SAST/34105/2019

MAROTI VITTHAL TUPKEWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THRO. DIST. COLLECTOR, NANDED,
AND OTHERS

Mr. O. B. Boinwad, Advocate for the applicants
Mr. S. N. Morampalle, AGP for the respondent/State.

CORAM : S. M. GAVHANE, J.
DATED : 14.01.2020

PER COURT :-

. Learned counsel appearing for the applicants seeks permission to correct second paragraph No. 8 on page No. 4 of the application as paragraph No. 8A. Permission is granted.

2. Issue notice to the respondents. Mr. S. N. Morampalle, learned AGP waives service of notice for all the respondents.

3. Applicants/original plaintiffs have filed this application to condone the delay of 17 days caused in filing second appeal aggrieved by the decision dated 05/07/2019 of the learned Ad-hoc District Judge-1, Bhokar, District Nanded in RCA No. 3 of 2017.

4. Learned counsel appearing for the applicants submitted that delay is unintentional and bonafide. The

applicants are illiterate and they are residing in remote area and their economical situation is very weak. Therefore, they could not approach early to file the appeal in time. He submitted that in the above circumstances delay may be condoned.

5. Learned AGP appearing for the respondents though opposed to grant the application, nothing is placed on record to substantiate the objection.

6. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in the paragraph No. 8A of the application, delay needs to be condoned. Therefore, application is allowed in terms of prayer clause (B) of the application.

7. Appeal be registered. Mr. Morampalle, learned AGP waives service of notice before admission of the appeal for respondents/State.

8. Place the appeal for admission on 24/02/2020.

[S. M. GAVHANE, J.]