

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11847 OF 2019
IN SAST/39496/2018 WITH CA/11848/2019 IN SAST/39496/2018

MARIYA BHANUDAS DETHE
VERSUS
SAKHUBAI BAJIRAO DETHE AND OTHERS

Mr. N.C. Garud, Advocate for the applicant.
Mr. D.R. Jaybhar, Advocate for respondent Nos. 1 & 2.

CORAM : S.M.GAVHANE,J.
DATED : 02.01.2020

P.C. :-

. Heard learned counsel appearing for the parties.

2. The appellant/original defendant No.2 has filed this application to condone delay of 37 days caused in filing second appeal aggrieved by the judgment and decree dated 26.07.2018, passed by the Adhoc District Judge-5, Ahmednagar in RCA No.196 of 2016.

3. Learned counsel appearing for the applicant submitted that the applicant applied for certified copy of judgment and decree in appeal on 22.10.2018 and said copies were received by the appellant on 30.10.2018. Thereafter, there was Diwali vacation. It is submitted that during pendency of the appeal before the first appellate court, respondent No.3 died and to verify

whether there are other legal representatives of said respondent, some time was consumed and therefore delay has been caused. It is submitted that the delay caused in filing this appeal is not intentional and therefore same may be condoned.

4. Learned counsel appearing for the respondents opposed to grant the application. However, he has not filed reply affidavit raising any specific contention in this respect.

5. Considering the submissions made by the learned counsel appearing for the applicant and the grounds mentioned in paragraph Nos.2 and 3 of the application, I find that sufficient ground is shown for not filing appeal in time and the delay caused is not intentional. Therefore, the application is allowed in terms of prayer clause (B) and delay is condoned.

6. The appeal be registered and be placed for admission on 13.01.2020.

[S.M.GAVHANE,J.]