

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1371 OF 2019
IN
SECOND APPEAL ST. NO. 7892 OF 2019
WITH
CIVIL APPLICATION NO. 1372 OF 2019
CIVIL APPLICATION NO. 1373 OF 2019**

Shri Hanumant Mansing More & ors. ..Applicant.

v/s.

Shri Sahebrao Vitthal Chavan. ..Respondent.

Mr. C.K. Bhangoji i/b. Mr. Ramchandra K. Mendadkar, advocate for applicant.

Mr. Vishwanath Suresh Talkute, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : FEBRUARY 24, 2020.

P. C. :

1 This is an application seeking condonation of delay in filing fresh Second Appeal. The delay is of 3 years 224 days. On the previous occasion, the applicant had filed Second Appeal St. No. 2727 of 2015 through Power of Attorney. In that Second Appeal, the delay of 42 days was condoned vide order dated 10th March, 2017. However, on 31/1/2019 it was brought to the notice of the Court that the appellant Hanumant More had died on 5/9/2015 and the appeal was filed through power

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of attorney holder. Hence, the appeal was not maintainable and therefore, it was dismissed. Present Second Appeal is filed through legal heirs of the appellant. Said procedure had consumed time and therefore, the same has caused delay in filing the present second appeal.

2 Learned Counsel for the respondent has vehemently submitted that ignorance of procedure and law cannot be a good ground for filing fresh Second Appeal. It is also submitted that this Court on 31/1/2019 had not granted any liberty to file a fresh second appeal. The said issue can be decided at the time of admission.

3 The application seeking condonation of delay deserves to be allowed on depositing cost of rs. 1,000/- to be paid within 2 weeks from today to the Maharashtra State Legal Services Authority.

4 The application is allowed and disposed of on the above terms.

[SMT. SADHANA S. JADHAV, J.]