

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

**908 CIVIL APPLICATION NO.9392 OF 2021
IN SA/374/2021**

KASHIBAI MAHADEV BHAGAT ALIAS KASHIBAI (SHARDA) RAMLING RAUT
VERSUS

PRABHAVATI PRABHUAPPA MAKANE

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Mr. V.D. Salunke, Advocate h/f Mr. D.H. Jadhavar, Advocate for the applicant

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 25th NOVEMBER, 2021

PER COURT :

1 Though the application has been filed for condonation of delay to get the delay in filing Second Appeal condoned, it appears that it is due to mistake or as a safeguard, however, in view of Hon'ble Supreme Court holding in Miscellaneous Application No.665 of 2021 in SMW(C) 3 of 2020 dated 23.09.2021 and explaining the period of limitation, the Second Appeal is within limitation. Therefore, the said application stands disposed of. Registry to verify and register the Second Appeal.

2 Today the learned Advocate Mr. V.D. Salunke holding for learned Advocate Mr. D.H. Jadhavar submits the substantial questions of law which

remains to be annexed to the appeal memo. They are taken on record and marked as Exh. "X". It appears that the paper book has not been filed as per the Practice Note dated 01.07.2021. Appellant to produce it on or before 29.11.2021.

3 Stand over to 03.12.2021.

4 Learned Advocate submits that tomorrow the Executing Court has kept the date and even the warrant has been issued. In view of the fact that now the Second Appeal is taken up for admission, the Executing Court not to go ahead with the further stages till the next date.

(Smt. Vibha Kankanwadi, J.)

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