

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CIVIL APPLICATION NO.9364 OF 2014
IN SAST/3493/2014

FEROZ KHAN KHAN AHMED KHAN
VERSUS
YUNUS KHAN s/o KHAN AHMED KHAN AND OTHERS

...

Mr. Javed Abdul H. Deshmukh, Advocate for the applicant - **absent**

Mr. S.S. Jadhavar, Advocate for the respondent No.2

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 02nd AUGUST, 2021.

PER COURT :

1 Present application has been filed for getting delay of 14 days in filing Second Appeal condoned. Learned Advocate for the applicant is absent. Learned Advocate for the respondent No.2 is present. Respondent Nos.1 and 3 are served. In the normal course, in absence of the applicant the application would have been dismissed. However, this is the question of delay of 14 days. The lethargy on the part of the learned Advocate for the applicant can be seen that the last order, which I could find in the matter, is dated 21.04.2016. Notice was directed to be issued in respect of present application and the learned Advocate for respondent No.2 had waived the notice and the notice for other respondents were directed to be issued.

Thereafter, those notices have been issued and they were served. In spite of completion of service the learned Advocate for the applicant did not take the matter for circulation, and therefore, it is seen that this lethargy on the part of learned Advocate. The client should not suffer for his negligence. The ground, that has been stated, is the financial crisis. The occupation of the applicant is agriculture and he comes from rural area, and therefore, these are the sufficient grounds to condone the delay.

2 The delay stands condoned and the Civil Application stands allowed, even in absence of learned Advocate for the applicant.

3 Registry to verify and register the Second Appeal and place it for further consideration on 17.08.2021.

4 The learned Advocate for the respondent No.2 is requested to convey the date to the learned Advocate for the applicant, in any manner.

5 If the learned Advocate for the applicant fails to appear on the next date, further course would be taken and no adjournment will be granted.

(Smt. Vibha Kankanwadi, J.)