

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO.1112 OF 2020
IN
SECOND APPEAL (ST) NO. 21054 OF 2019

SHESHEBAI DATTA PHEDEWAD
VERSUS
DIGAMBAR RAMJI @ RAMA PHEDEWAD DIED THROUGH LR.S SMT.
SHANTABAI DIGAMBAR PHEDEWAD AND ORS.

WITH
CIVIL APPLICATION NO.1113 OF 2020
IN
SECOND APPEAL (ST) NO.21056 OF 2019

SHESHEBAI DATTA PHEDEWAD
VERSUS
DIGAMBAR RAMJI @ RAMA PHEDEWAD DIED THROUGH LR.S SMT.
SHANTABAI DIGAMBAR PHEDEWAD AND ORS.

...
Advocate for the appellant in SA No.41/2020: Mr. Arvind Deshmukh
Advocate for the Applicant/s: Mr. Pravin Rakhunde h/f Mr. S.B.
Bhapkar

...
CORAM : AVINASH G. GHAROTE, J.

DATE : 17th June, 2021

P.C. :

. The applicant seeks to condone the delay of 44 days in Civil Application No.1112 of 2020 and delay of 48 days in Civil Application No.1113 of 2020 in filing the Second Appeals. Mr. Rakhunde h/f Mr. Bhapkar learned counsel for the applicant submits, that the cause for the delays are genuine.

2. Mr. Arvind Deshmukh, learned counsel appearing for the non-applicants, namely the legal heirs of late Digambar Ramji Phedewad, has no objection if the delays are condoned. Civil Applications are allowed. The delay of 44 days in Civil Application No.1112 of 2020 and delay of 48 days in Civil Application No.1113 of 2020 in filing of the Second Appeals are condoned. The Second Appeals be registered. Mr. Arvind Deshmukh learned counsel further submits, that the present Second Appeal No. 41 of 2020 and two Second Appeals which shall now so be registered raise a common question as they are against the same judgment and decree and should be decided together. The learned counsel for legal heirs of respondents has now requested to tag the two Second Appeals. Mr. Arvind states that he would waive notice for the respondents in the Second Appeals. The statement is accepted and recorded.

3. Heard Mr. Rakhunde h/f Mr. Bhapkar, on the merits of the appeals, issue notice to the respondents in the appeals, returnable on 08.07.2021. As indicated above, Mr. Arvind learned counsel waives notice for the legal heirs of Digambar Rama Phedewad in both the appeals. Insofar as rest of the respondents are concerned, the appellants shall ensure service to them by all

modes as permissible by law, including E-mail and WhatsApp.

4. The present appeals shall be heard along with Second Appeal No.41 of 2020.

(AVINASH G. GHAROTE, J.)

Sameer