

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

**12 CIVIL APPLICATION NO.10638 OF 2019
IN SAST/21982/2019**

**RAVI BHAURAO SHINDE AND OTHER
VERSUS
USHA SAMARTH KHONDE- PATIL AND OTHERS**

Smt. Priyanka R. Deshpande, Advocate for the applicants
Shri. S. D. Solanke, Advocate for respondent Nos. 1 to 4.

CORAM : M. G. SEWLIKAR, J.

DATED : 25-01-2021

P.C. :-

. Heard Smt. Deshpande, learned counsel for the applicants. Delay of 30 days is caused in preferring second appeal. According to Smt. Deshpande due to lack of communication, the applicants got the knowledge of passing of the decree by the first Appellate Court late. They could not approach their Advocate because of financial constraints. The applicants are illiterate persons and are not acquainted with legal procedure. They are poor farmers residing in remote rural area. Delay was not intentional nor deliberate. She, therefore, seeks condonation of delay.

2. Shri. Solanke, learned counsel for the respondents strongly objects for the condonation of the delay contending that no cause for condonation of delay is made out. No cause, much less sufficient cause, for condonation of delay is made out. He submitted that the delay is intentional and therefore, it should not be condoned.

3. Delay is of 30 days. The applicants have made out sufficient

cause for condonation of delay. They have assigned the cause that because of lack of communication, they did not get the knowledge of passing of the decree by the first Appellate Court. They required time for collecting certified copies and other documents and arranging for the expenses of the fees of the Advocate and other expenses. In view of this, I am inclined to condone the delay. Hence, delay is condoned. Appeal be registered if it is fit for registration. Civil application is disposed of.

[M. G. SEWLIKAR, J.]

ssp