

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CIVIL APPLICATION NO.780 OF 2020
IN SAST/32939/2019

GANGADHAR PANDU CHIKNE AND ANOTHER
VERSUS
KAKASAHEB @ BABASAHEB NAMDEO CHIKNE AND ANOTHER

...

Advocate for Applicants : Mr. Natu Sharad V.
Advocate for Respondent Nos.1 and 2 : Mr. Bolkar Yogesh B

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd February, 2021

ORDER :-

. Present application has been filed for getting the delay of 108 days condoned in filing second appeal.

2. Heard both sides.

3. The original defendants intend to file the second appeal. Present respondents are the original plaintiffs, who had filed Regular Civil Suit No.111 of 2010 before the Joint Civil Judge Junior Division, Kannad, District Aurangabad for partition and separate possession. It came to be dismissed on 23.03.2015. The plaintiffs challenged the said judgment and decree in Regular Civil Appeal No.130 of 2015 before the learned Principal District Judge, Aurangabad. The said appeal came to be

allowed on 30.03.2019 by setting aside the decree passed by the learned Lower Court and, therefore, the defendants intend to file the present second appeal, however, there is delay of 108 days.

4. Though the learned Advocate for the respondents has strongly opposed the application, taking into consideration the duration of the delay and the reasons mentioned in paragraph Nos.4 and 5, the delay stands condoned.

5. Application stands allowed and disposed of.

6. Registry to verify and register the second appeal.

[SMT. VIBHA KANKANWADI, J.]

scm