

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

906 CIVIL APPLICATION NO.3754 OF 2020
IN SAST/34735/2018

PRIYA BASWARAJ MAHAJAN AND OTHERS
VERSUS
BASWARAJ BANDIAPPA MAHAJAN AND ANOTHER

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Advocate for Applicants : Mr. Harshal P. Ranshir, Adv, h/for
Mr. Shivpuje Anil S.
Mr. R. B. Deshmukh, Adv. For R/2

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 17th November, 2021

PER COURT :-

1. Present application has been filed for getting the delay of 89 days condoned in filing the Second Appeal.

2. Heard learned Advocates appearing for the respective parties. In order to cut short it can be stated that both of them have made submissions in support of their respective contentions.

3. Present applicants are original plaintiffs, who had filed the suit for partition, which came to be dismissed and their Appeal has also been dismissed. Respondent No.1 is husband of applicant No.4 and father of applicant Nos.1 to 3. The applicants state that applicant No.4, who is looking after applicant Nos.1 to 3 and taking care

(2)

of their education, could not contact the Advocate and arrange for money.

4. Though learned Advocate appearing for Respondent No.2 is strongly objecting, taking into consideration his rights claimed in the immovable property and also the fact that applicant Nos.1 to 3 are taking education and applicant No.4 is an agriculturist coming from rural area, and by taking a liberal approach, the application deserves to be allowed. Accordingly it is allowed and disposed of. Registry to verify and register the Second Appeal.

5. The applicants-appellants to file paper book of first Appellate court, by serving an advance copy thereof to other side and also the documents as per the Practice Note dated 1.7.2021 within a period of four weeks and thereafter the Second Appeal be listed for admission on 20.12.2021.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV