

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

916 CIVIL APPLICATION NO.7860 OF 2018
IN SAST/36924/2017

AUDUMBER BABANRAO KHARAT AND ANOTHER
VERSUS
NANDKISHOR KALYANRAO KHARAT

Advocate for Applicants : Mr. Deshmukh Ramraje A.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 15th September, 2021.

PER COURT :-

1. Present application has been filed for condonation of delay of 387 days caused in filing the Second Appeal.
2. Heard learned Advocate for the applicants.
3. Learned Advocate for the respondent is absent. However, it appears that say has been filed by the respondent, objecting grant of the present application.
4. Both the parties are coming from the rural area. The applicant No.1 is 61 years old person. The applicants say that they were not aware about judgment and decree passed by the first Appellate Court. Though in stricter sense, this may not be a good ground to condone the delay, however, taking liberal approach, the application deserves to be allowed.
5. Though learned Advocate for the respondent is absent today; yet he has taken care to file say, which can be taken as written submissions on his behalf and, therefore, the inconvenience that would be caused to the

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respondent can be compensated in terms of money.
Hence, following order, -

ORDER

- i. The application stands allowed and disposed of.
- ii. The delay caused in filing the Second Appeal stands condoned subject to deposit of costs of Rs.5,000/- within a period of one month from today.
- iii. After the amount is deposited, Registry to verify and register the Second Appeal and the amount so deposited be given to the respondent.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV