

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**34 CIVIL APPLICATION NO.5328 OF 2021
IN SAST/36781/2018**

YAMUNABAI BHIMSINGH VALVI
VERSUS
DHARMA MANGA VASAVE (DECEASED) LRS RATHUBAI AND OTHERS

...
Advocate for Applicant : Mr. Shah J. R.
Advocate for Respondents No.1 to 7: Mr. R. S. Wani.

...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 15-11-2021.

ORDER :

1. Present application has been filed for getting the delay of 313 days condoned in filing the second appeal.
2. Heard learned Advocate Mr. J. R. Shah for applicant and learned Advocate Mr. R. S. Wani for respondents No.1 to 7.
3. It has been vehemently submitted on behalf of the applicant that the applicant is a 65 years old lady coming from tribal community and due to health problem she could not contact her Advocate in time.
4. Learned Advocate for respondents while taking strong objection submits that the respondents are also from tribal community, some of them are also old. He submits that what can got he could observe is

that in the same district the litigants remain present on each and every date and take interest in prosecuting their matters.

5. We do not want to go into the merits of the case but for reasonable ground it can be seen that the lady is fighting for her rights in the immovable properties. The delay is of 313 days and, therefore, by compensating the respondents, the delay can be condoned.

6. In view of above, the application stands allowed and disposed of. The delay caused in filing second appeal stands condoned on deposit of cost of Rs.14,000/- (fourteen thousand) on or before 06-12-2021.

7. After the amount is deposited, Registry to verify and register the second appeal.

8. Cost amount to be disbursed to the respondents equally.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-