

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

**CIVIL APPLICATION NO. 11904 OF 2022
IN
SECOND APPEAL STAMP NO. 12551 OF 2021**

**HEADMASTER, SAMATA VIDYALAY AND ANOTHER
VERSUS
KAMAL KESHAVRAO DIXIT**

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Advocate for Applicants : Mr. Suryawanshi Govind G.

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**CORAM : BHARAT P. DESHPANDE, J.
DATE : 23rd AUGUST 2022.**

Per Court :

1. This is an application for condonation of delay of 328 days in filing of the Second Appeal.
2. Heard the learned Counsel for the Applicants.
3. The Registry has put the endorsement that considering the suspension of period of limitation by the Hon'ble Apex Court during the Lockdown, there is no delay in filing of the Second Appeal. However,

since the application is filed by the Applicants, matter is placed before this Court.

4. The Respondent filed Special Civil Suit No. 138/2004, which was decided by the Civil Court vide judgment dated 02.03.2007. The present Applicants challenged the said decree by filing First Appeal No.617/2007 before this Court. Due to pecuniary jurisdiction of District Court, the said First Appeal was transferred to the District Court, Nanded and it was re-registered as Regular Civil Appeal (RCA) No. 134/2012. The District Judge decided the Appeal vide judgment and decree dated 30.01.2020.

5. The Applicants challenged the said judgment and decree by filing the present Second Appeal on 22.04.2021. Since the Registry has already observed that there is no delay due to suspension of period of limitation by the Hon'ble Apex Court, the application needs to be disposed of with direction to the Registry to register the Second Appeal. Hence the following order.

ORDER

- (i) The Civil Application stands disposed of on the basis of observation of the Registry that there is no delay in filing the Second Appeal.
- (ii) Office to register the Second Appeal accordingly.

[BHARAT P. DESHPANDE, J.]

Najeeb.