

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO.10350 OF 2019
IN SAST/21661/2019

ASHABAI RUPLAL CHOUDHARY
VERSUS
RADHESHYAM S/O BABURAO LOKHANDE AND ANOTHER

.....
Advocate for Applicant : Mr. Harsha R. Lomate h/f
Mr. Mayur V. Salunke
.....

CORAM : BHARAT P. DESHPANDE, J.
DATED : 28th JULY 2022

PER COURT:-

1. This is an application for condonation of delay of 393 days caused in filing the second appeal thereby challenging the judgment and decree passed by the learned District Judge-3, Jalna dated 12.2.2018.

2. Record shows that both the respondents were duly served. Opportunities were given to both the respondents to file reply. No one is present for the respondents. Even reply is not filed opposing the application.

3. Learned counsel for the applicant submitted that the applicant is a lady and she is not supported by anyone in the family. Advocate appearing for her before the first appellate court did not inform her about the decision rendered against her by the District Judge-3 Jalna. She got knowledge only on the basis of summons received from the

executing court asking her to remain present on 24.7.2019. Therefore, she immediately approached this Court by filing present application. The averments are supported by affidavit of the applicant which has not been refuted on behalf of the respondents. Reasons disclosed in the application are sufficient enough to condone the delay. Hence, the following order:-

O R D E R

- I. Civil application stands allowed.
- II. The delay of 393 days caused in filing the second appeal stands condoned.
- III. Office to register the second appeal.
- IV. Civil application stands disposed of.

(BHARAT P. DESHPANDE, J.)

rlj/