

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

**914 CIVIL APPLICATION NO.5324 OF 2021
IN SAST/22397/2019**

**BABU JETA AADE
VERSUS
NAJMUNISSABEGUM SHAIKH HANIF LRS SHANMIMBANU SHAIKH HANIF**

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Advocate for Applicant : Mr. Mandlik h/f Mr. Gandhi Amol S.
Advocate for Respondent Nos. 2 to 6 : Mr. Mujtaba Gulam Mustata Shaikh

**CORAM : MANGESH S. PATIL, J.
DATE : 29.03.2022.**

PER COURT :

This is an application for condonation of delay of 31 days occasioned in filing the second appeal.

2. I have heard learned advocates of both the sides and perused the papers.

3. The learned advocate Mr. Mujtaba for the respondent Nos. 2 to 6 strongly opposes the application. He submits that though the delay is meager, there is no sufficient cause demonstrated in the application.

4. True it is, the contents of the application do not make any attempt to demonstrate availability of some sufficient cause for not filing the appeal in time. However, it has been specifically mentioned that the delay was neither intentional nor deliberate.

5. Indeed, there is nothing on record to demonstrate that the delay has occasioned deliberately or intentionally. The fact that the dispute pertains to the right to immovable property coupled with the quantum of delay and absence of any thing to demonstrate that it has occasioned intentionally or

deliberately, the delay deserves to be condoned.

6. The application is allowed. The delay is condoned. The second appeal be registered.

(MANGESH S. PATIL, J.)

mkd/-