

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

**CIVIL APPLICATION NO.11676 OF 2019
IN SAST/27601/2019**

**RAMKISAN KAMAJI KOMATWAR (TELANG) DIED THRO. LRS.
GEETA RAMKISAN KOMATWAR AND OTHERS
VERSUS
JAINODDIN YASINSAHEB MNOMIN DIED LRS. AFSAR JAINODDIN
MOMIN AND OTHERS**

...
Advocate for Applicants : Mr. Gajendra Devichand Jain
...

CORAM : BHARAT P. DESHPANDE, J.

DATED : 19th AUGUST 2022

PER COURT :

This is an application for condonation of delay of 398 days in filing Second Appeal.

2. In spite of service of notice on the respondents, no one appeared and contested the matter. Respondent Nos. 5 to 9 are original defendant nos. 2 to 6, who are formal parties.

3. The contesting parties are respondent Nos. 1 to 4.

4. Learned counsel for applicants submits that due to financial constraints of the applicants they were unable to file Second Appeal and they approached the High Court Legal Aid Sub Committee of this Bench. After

getting service of legal aid Advocate, they applied for certified copy and other documents and therefore there is delay of 398 days in filing the Second Appeal.

5. The grounds mentioned in para nos.2 to 5 are sufficient enough to condone the delay in filing Second Appeal.

ORDER

- (i) The application stands allowed.
- (ii) The delay of 398 days in filing Second Appeal is condoned.
- (iii) The application stands disposed of.
- (iv) Second Appeal to be registered, if there are no office objections and to be placed for admission on 19-09-2022.

(BHARAT P. DESHPANDE, J.)