

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

**903 CIVIL APPLICATION NO.11892 OF 2019
IN SAST/34648/2018 WITH SA/587/2018
SHIVAMMA SIDDAPPA SINDANKERE (DIED) AND OTHERS
VERSUS
KASHINATH GURSIDDAPPA KASNALE AND OTHERS**

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Advocate for Applicants : Mr. Chillarge Subhash S.

Advocate for Respondent No.1 : Mr. Patil Jayat R.

CORAM : MANGESH S. PATIL, J.

DATE : 09.02.2022.

PER COURT :

This is an application for condonation of delay of 257 days in filing the second appeal.

2. Learned advocate Mr. Patil for the respondent No. 1 strongly opposes the application. He submits that the self-same judgment and order has been challenged by his client in the connected appeal. There are no sufficient and cogent reasons to condone the delay which is inordinate.

3. I have considered the rival submissions and perused the papers.

4. Considering the nature of the dispute coupled with the fact that already the respondent No. 1 has filed the connected appeal, it would be appropriate to allow even the present appeal on merits instead of allowing it to be disposed of by default.

5. For the reasons mentioned in the application, the delay is condoned. Register the second appeal. After such registration, issue notices to the respondents, returnable within four weeks from today. Learned advocate Mr. Patil waives service for the respondent no. 1 even in the second appeal.

(MANGESH S. PATIL, J.)

mkd/-