

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1171 OF 2019
IN
SECOND APPEAL (ST) NO. 22719 OF 2019**

1. Sau.Vijaya Mahadev Kore (deceased)	
2. Shri Dada Mahadev Kore & Ors.	...Applicants
vs.	
Shri Nagnath Mahaling Kore & Ors.	...Respondents

Mr.Prasad P. Kulkarni for Applicants.
Mr.Anand S. Kulkarni for Respondent Nos.1 and 2.

CORAM : ANIL S. KILOR, J.

DATED : 20 JANUARY 2022

P.C. :

Heard learned Counsel for the respective parties.

2. Shri Prasad Kulkarni, learned Counsel for the Applicants, submits that there is a delay of 163 days in filing the second appeal challenging the judgment and order dated 28 November 2018 passed by the learned Ad-hoc District Judge-II, Solapur in Regular Appeal No.78/2014.

3. It is submitted that as the Applicants are uneducated and rustic villagers, delay has been caused in contacting the advocate for filing the second appeal. Moreover, it is submitted that there was a communication gap between the Applicants and his advocate and therefore, first time the Applicants got knowledge of the impugned judgment and decree in the last

week of June of 2019. Resultantly, the delay has been caused. It is submitted that looking to the controversy involved in the present appeal, this court may adopt liberal approach while considering the delay.

4. On the other hand, learned Counsel for Respondent Nos.1 and 2 opposes the application and pray for rejection of the same.

5. After considering the reasons stated in the application, which are not controverted by the Respondents by filing reply to the application, I am of the opinion that sufficient cause has been shown by the Applicants for condonation of delay.

6. Accordingly, I pass the following order:

ORDER

(i) The application for condonation of delay is allowed. The delay caused in filing the second appeal is condoned.

(ii) The office is requested to register the second appeal and place the same before the court for admission.

(ANIL S. KILOR, J.)