

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

**CIVIL APPLICATION NO.1106 OF 2019
IN
SECOND APPEAL (STAMP) NO.18445 OF 2018**

Jagannath Nagnath Pawar ...Applicant

Versus

The State of Maharashtra and Ors. ...Respondents

....

Ms Shruti Tulpule for the Applicant.

Mr. A.R. Patil, AGP for Respondent Nos.1 and 2.

Mr. Anvil Kalekar for Respondent No.3

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard learned counsel for the respective parties.
2. Learned counsel for the Applicant submits that there is a delay of 15 days in filing the Second Appeal challenging the judgment and decree dated 01/02/2018 passed by the Ad-hoc District Judge-2, Solapur in Regular Civil Appeal No.111 of 2016 and confirming the judgment dated 25/01/2016 passed by the 2nd Additional C.J.S.D., Solapur in Regular Civil Suit No.768 of 2006.
3. It is submitted that as the Advocate to whom the papers were

handed over for drafting the appeal was not keeping well, and further because of intervening summer vacation, the delay has been caused.

4. The learned counsel for the Respondents have no serious objection if the present application is allowed.

5. After considering the reasons stated in the application that the learned counsel was not well and due to intervening summer vacation, the delay has been caused, I am of the considered view that the delay has been properly explained. Moreover, in absence of reply opposing the present application or disputing the facts stated in the present application, I am of the opinion that delay needs to be condoned. Accordingly, I pass the following order:-

ORDER

- i) The Application for condonation of delay is allowed.
- ii) The delay caused in filing Second Appeal is condoned. The office is requested to register the Second Appeal and place the same before the Court for admission.

(ANIL S. KILOR, J.)