

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.1614 OF 2020
IN SAST/1425/2020**

**AASARAM BALWANTA KARANDE AND OTHERS
VERSUS
BHIMA ANNAT KARANDE**

...

Mr. Bhargav B. Kulkarni h/f Mr. Bhushan B. Kulkarni, Advocate
for the Applicants.

Mr. G. V. Wani h/f Mr. D. R. Korde, Advocate for Respondent.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04th AUGUST, 2023.

PER COURT:-

1. By this application, the applicants seek to condone the delay of 249 days caused in filing the appeal against the judgment and decree passed by the District Judge, Beed in R.C.A. No.3/2016.

2. The contention of the applicants is that the wife of applicant no.1-Aasaram died on 08.07.2019 after prolonged illness. The entire family was disturbed due to her death and also suffered financially. The learned Advocate appearing for the applicants submits that the sufficient cause is made out to condone the delay. Parties are litigating for their rights in respect of immovable property.

3. Mr. Wani, learned Advocate appearing for the respondent submits that the averments in the application are vague and do not constitute sufficient cause to explain the delay.

4. Having considered the submissions advanced, it is apparent that the appeal is filed challenging the judgment and decree passed by the Court in Civil Suit where parties are litigating on the rights in respect of immovable property. It is trite that, in such cases, the liberal approach has to be adopted. Applying aforesaid principles of law in the facts of the present case and particularly reasons as given in paragraph no.2 of the application, the case is made out to condone the delay. Hence, the following order:-

ORDER

- a. Civil Application is allowed.
- b. Delay of 249 days caused in filing the appeal is condoned.
- c. Appeal be registered subject to removal of office objections.
- d. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE