

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

936 CIVIL APPLICATION NO.1685 OF 2017
IN SAST/3115/2017

SHYAM AMRUT BAVISKAR
VERSUS
GOKUL DAMU BAVISKAR AND OTHERS

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Advocate for Applicant : Mr A.R. Devkate h/f Mr. Patil Vishnu Y.
Mr. S.S. Dande, AGP for respondent State.
Advocate for Respondents 1-3 : Mr. P. B Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: July 18, 2023

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PER COURT :-

1. By this application, the applicant seeks to condone the delay of 425 days caused in filing the second appeal.
2. Mr. Devkate, learned counsel appearing for the applicant points out that against the self same order of the District Court second appeal no.52 of 2006 is filed and the same is admitted. He would further point out that the applicant herein although was party in a suit, he was not added as party in the appeal in District Court. Mr. Devkate, invites attention of this Court to the reasoning in paragraph no.6 of the application and submits that sufficient cause is made out.
3. Mr. Patil, learned counsel appearing for the contesting respondents submits that sufficient cause is not made out.
4. Having considered the submissions advanced and particularly the fact that the applicant was not added as a party in appeal in

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which the decree is passed against him, it would be in the fitness of things to condone the delay. Hence, order.

O R D E R

- i. The application is allowed.
- ii. Delay of 425 days caused in filing the second appeal is condoned.
- iii. Civil application is disposed off.
- iv. Appeal be registered.

(S. G. CHAPALGAONKAR, J.)

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