

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

**CIVIL APPLICATION NO.9228 OF 2018
IN SAST/9889/2017 WITH CA/9229/2018 IN SAST/9889/2017**

**VIJAY SURYABHAN LAGAD
VERSUS
VIMAL MOHAN MANMODE AND OTHERS**

Mr. R. B. Temak, Advocate for the appellant
Mr. C. V. Dharurkar, Advocate for respondent Nos. 2A to 2E

CORAM : R. M. JOSHI, J.

DATE : 23rd MARCH, 2023

PER COURT :-

1. Learned counsel for the appellant states that respondent No. 3 is dead. However, his LR's are already on record. He, therefore, seeks leave to mention against the name of the respondent No.3 as 'dead'. Leave is granted. Amendment to be carried out forthwith.

2. This application is filed for condonation of delay of 101 days in preferring second appeal against impugned judgment and decree passed by the First Appellate Court in Reg. Civil Appeal No. 91/2013. According to the applicant due to the draught situation and financial problem he could not take steps for preferring this appeal in time.

3. Learned counsel for the respondents opposes for condonation

of delay on the ground that sufficient reason is not made out.

4. Perusal of the application shows that the delay has been satisfactorily explained. This Court does not find any malafides on the part of the applicant is not filing the appeal in time. In the interest of the justice delay in filing the appeal stands condoned. Appeal be registered.

(R. M. JOSHI, J.)

ssp