

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

**921 CIVIL APPLICATION NO.7765 OF 2023  
IN SA/327/2021**

**FEROZ KHAN KHAN AHMED KHAN  
VERSUS  
YUNUS KHAN KHAN AHMED KHAN AND OTHERS**

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Advocate for Applicant : Mr. Wasif Salim Shaikh

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**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 26.06.2023**

**PER COURT :**

1. The present Civil Application is filed to restore the Second Appeal No.327 of 2021 by setting aside the order dated 01.04.2022 and to condone the delay of 360 days in filing the present Civil Application.

2. The learned counsel for the applicant submits that by order dated 01.04.2022, the Second Appeal was dismissed as the applicant failed to appear in the Second Appeal on various occasions. The learned counsel for the applicant submits that on 03.09.2021, notice was issued to the appellant stating in the said notice that if the applicant fails to make arrangements for proceeding with the matter on 22.09.2021, the appeal is liable to be dismissed. The learned counsel for the applicant submits that the applicant is illiterate

person, therefore, the applicant failed to make arrangement to work out the Second Appeal. The delay caused in filing the present Civil Application is not intentional and deliberate act. The learned counsel for the applicant, therefore, submits that considering the above facts, the present Civil Application may be allowed by condoning the delay of 360 days.

3. For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. The order dated 01.04.2022 is set aside. Second Appeal is restored to its original position. Accordingly, Civil Application is disposed of. List the Second Appeal on 10.07.2023.

( ARUN R. PEDNEKER )  
JUDGE

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shp/-