

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

**CIVIL APPLICATION NO. 13359 OF 2022
IN SAST/22006/2022**

Datta Rambhau Raner
Since deceased through L.Rs.
Tarabai Datta Raner and others

.. Applicants

Versus

Tukaram Rambhau Raner

.. Respondent

Mr. Suhas R. Shirsat, Advocate for the Applicants.
Mr. D. V. Katneshwarkar, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 24th AUGUST, 2023.

P C. :-

. Heard the parties.

2. This application is filed for condonation of delay of 125 days caused in preferring the second appeal challenging the judgment and decree dated 07.01.2022.

3. Learned advocate for the applicants submits that, the applicants are poor agriculturist and have no knowledge of limitation for filing the appeal. They also found it difficult to approach the advocate in the High Court and in this process delay is caused.

4. Learned advocate for respondent vehemently opposes the application and submits that the ignorance of legal provision cannot be said to be sufficient reason to condone the delay. He submits that the application deserves to be dismissed.

5. Considering that, the applicants are poor agriculturists and have no knowledge of limitation and peculiar facts of this case. Since the delay is only of 125 days, the delay deserves to be condoned though is opposed by the respondent. Hence, the following order is passed.

ORDER

- (i) The civil application is allowed.
- (ii) Delay of 125 days caused in filing second appeal is condoned.
- (iii) Office to register the second appeal.
- (iv) After registration of second appeal, place the second appeal for admission on 07.09.2023.
- (v) The civil application is disposed off.

(KISHORE C. SANT, J.)

PS.B.