

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

**61 CIVIL APPLICATION NO.7401 OF 2019  
IN SAST/27649/2018**

**KISAN VITHALRAO KALE  
VERSUS  
DROPADABAI GANESHRAO PACHARNE AND OTHERS**

Mr. Kshitij Survey, Advocate fore the applicant

**CORAM : KISHORE C. SANT, J.**

**DATE : 16<sup>th</sup> OCTOBER, 2023**

**P. C.**

1. Heard the learned advocate for the applicant. None for the respondents.

2. This application is filed seeking condonation of delay of 64 days caused in filing the second appeal. It is stated in application that advocate was instructed to file an appeal in this court. After receipt of notice in the execution proceeding, the applicant made an enquiry with the advocate. However, earlier advocate had not filed second appeal. It is thereafter, the applicant engaged another lawyer and in that process some

delay is caused.

3. Considering that the delay is of 64 days and considering the reasons assigned in the application, this court finds that delay needs to be condoned in the interest of justice. Second aspect is that in spite of service none appeared for the respondent. This court, therefore, finds that the application needs to be allowed. In view of the same, the application stands allowed. The delay stands condoned.

4. Office to register the second appeal.

**[KISHORE C. SANT, J.]**

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