

SPChauhan

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

CIVIL APPLICATION NO. 14727 OF 2022
WITH
CIVIL APPLICATION NO. 14728 OF 2022
IN
SECOND APPEAL STAMP NO. 38464 OF 2018

Balasaheb Vithoba Gore

... Appellant

Versus

Tukaram Vithoba Gore and another

... Respondents

....
Ms. P.A. Salve h/f. Mr. S.J. Salunke – Advocate for Appellant
Mr. A.M. Lavharale h/f. Mr. M.M. Patil – Advocate for Respondent
No. 1

....
CORAM : GAURI GODSE, J.
DATE : 01st February, 2023

PER COURT :

1. This application is filed for condonation of delay of 187 days in filing the Second Appeal.
2. Notice is served upon the respondents. Learned Advocate appearing for respondent no. 1 has tendered an affidavit in reply opposing the application. The affidavit in reply is taken on record.
3. The application for condonation of delay is opposed on the ground that the applicant does not possess any agricultural land in the vicinity of Renapur. Hence, the reasons given by the

applicant for condonation of delay is not acceptable, hence, the application be dismissed. It is also stated that the applicant is having sufficient source of income and hence, the reason given in the application is false.

4. Learned counsel for the applicant submits that the reason given in the application is with respect to not able to make financial arrangements for the purpose of the expenses for filing the second appeal.
5. I have perused the application. The reasons given in the application appear to be satisfactory. The specific reason is given with respect to financial constrain and it is not a case of applicant that he does not have any source of income.
6. Considering the reasons stated in the application, the application is allowed in terms of prayer clause 'b'. Prayer clause 'b' reads thus :

"b. The delay of 187 days caused in filing the Second Appeal may kindly be condoned and Second Appeal may kindly be directed to be registered."
7. Office to register the second appeal and place it for admission.

**[GAURI GODSE]
JUDGE**