

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****Civil application (CAS) No.494 of 2021 In
Second Appeal st No.10441 of 2019**

SHRI DEORAO S/O MALHARI BHONGALE (SINCE DEAD) THR. LRS. GAYABAI WD/O
DEORAO BHONGALE AND ANOTHER VS SHRI MANGAL S/O LATARI PAYGHAN

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.S. Dhore, Advocate for the Applicants

Shri S.P. Chintakuntalwal, Advocate for the Respondent-sole

CORAM : ANIL S. KILOR, J.

DATED : 07.01.2023

1. This is an application for condonation of delay of 2152 days in filing second appeal.
2. The only ground in the application is that, the applicants had no knowledge about impugned judgment and decree and when they received the notice of measurement, they got the knowledge. Thereafter, steps were taken to file an appeal, however, for want of knowledge, the delay is caused.
3. On the other hand, the learned counsel for the respondent strongly opposes the application and submits that the delay is inordinate and it has not been

caused because of the applicants and therefore, it should be rejected.

4. After going through the application, it can be seen that the applicants are the legal heirs of the original judgment debtor Deorao. The impugned judgment and decree was passed on 14.03.2013, whereas, Deorao died on 02.01.2019 i.e. after about six years of passing of decree. It is not the case of the applicants that Deorao had no knowledge about passing of the impugned judgment and decree.

5. In the circumstances, I do not find any satisfactory reasons or explanation for condonation of delay. Accordingly, the application is **rejected**.

[ANIL S. KILOR, J.]