



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

**CIVIL APPLICATION NO. 2871 OF 2024
IN / WITH SECOND APPEAL NO.167 OF 2019**

**RAMNARAYAN RAJARAM MANTRI AND OTHERS
VERSUS
TRANSPORT CORPORATION OF INDIA LTD. THRO. ITS GENERAL
MANAGER AND ANOTHER**

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Mr. Milind Patil, Advocate for applicant

Mr. A. A. Joshi, Advocate h/f Mr. S. V. Natu, Advocate for
respondents

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 15 MARCH 2024

PER COURT :-

1. The present civil application is filed for fixing the Second Appeal for hearing. However, at this time, the learned Counsel appearing for the respondent/original plaintiff fairly concedes that the delay of 1132 days was caused for filing the appeal against the judgment and decree dated 24.06.2011 passed by the learned Joint Civil Judge, Senior Division in Special Civil Suit No.315 of 2007. However, the learned first appellate Court has rejected the application for condonation of delay.

2. Since the original plaintiff/respondent fairly made a statement that the delay which has been caused in filing the appeal by the original defendant, be condoned and the appeal be restored, which can be decided on its own merits. Therefore, considering this fact, the impugned judgment and order dated 24.07.2018, passed by the learned first appellate Court in MARJI No. 330 of 2015, is hereby quashed and set aside. The delay of 1132 days caused in filing the appeal is hereby condoned.

3. After registration of appeal, the first appellate Court is directed to decide the appeal on its own merits.

4. The request for expeditious hearing of the appeal, is rejected.

5. The civil application is accordingly disposed of.

6. In view of above order, the **Second Appeal is disposed of.**

[Y. G. KHOBRAGADE, J.]

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