



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO. 6550 OF 2023
IN FAST/11854/2023

Rupesh Ganesh Rebba And Anr

VERSUS

The State Of Maharashtra Through The Collector Aurangad

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Advocate for Applicant : Mr. Subhash S. Chillarge

AGP for Respondents: Mrs. M.N. Ghanekar

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CORAM : KISHORE C. SANT, J.

Dated : June 13, 2024

PER COURT :-

1. This application is filed for condonation of delay of 316 days (wrongly calculated as 346 days by the applicants) caused in filing the first appeal.
2. The first appeal is filed by the applicants, challenging the judgment and order dated 21.2.2022 in Civil Misc. Application No. 1045/2021 passed by the learned 4th Jt. Civil Judge, Senior Division, Aurangabad in a probate proceeding.
3. It is stated in the application that though the impugned judgment and order 21.2.2022, the applicant could not get knowledge immediately. When the applicants contacted their advocate in the second week of February 2023, they came to know about the impugned judgment and order. Thereafter, they obtained certified copy of the impugned judgment and order and thereafter, filed an appeal on 3.4.2023. The learned advocate for the applicants

submits that the delay is not intentional and not deliberate and due the delay the applicants have not gained any advantage by filing appeal. He, thus, prays for condonation of delay of 316 days caused in filing the appeal.

4. The learned AGP vehemently opposes the application by submitting that no proper and convincing reasons are assigned by the applicants and prayed for passing appropriate order.

5. Considering the above submissions and for the reasons recorded in the application, this Court is inclined to allow the application. The application is, thus, allowed. Delay of 316 days is condoned. Office to register the appeal. The application stands disposed of.

(KISHORE C. SANT, J.)

ssc/