



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

**961 CIVIL APPLICATION NO. 7067 OF 2009  
IN FAST/13457/2009**

**KALYAN MADHUSUDAN BHATTACHARYA  
VERSUS  
KUSUM ANIL BHAWAR & OTHERS**

...  
Advocate for the applicant : Adv.Usha N. Jadhao h/f.  
Adv.Pratibha Bharad.  
Advocate for Respondent no.3 : Mr.C.A.Jadhav  
Advocate for respondent no.6 : Mr.B.V.Dhage  
...

**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 01.10.2024**

**P.C. :**

1] The present Civil Application is filed to condone the delay of 593 days in filing the First Appeal.

2] The learned counsel for the applicant submits that the notice issued by the trial Court to the applicant on wrong address, therefore, the notice was not served on the applicant during pendency of the proceedings. Thereafter, the trial Court issued paper publication in Marathi news paper 'Sakal'. The learned counsel further submits that the applicant was Bengali, therefore, he does not know about Marathi language. The learned counsel further submits that the applicant was not aware about filing of the claim

petition. Considering the said fact, the present civil application may be allowed.

3] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. Appeal be registered. Civil Application is disposed of accordingly.

4] List First Appeal on 27.11.2024.

**[ARUN R. PEDNEKER]**  
**JUDGE**

DDC