



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

**CIVIL APPLICATION NO. 8119 OF 2022
IN SAST/20634/2021 WITH CIVIL APPLICATION NO. 8120 OF 2022
IN SAST/20634/2021**

**RAJENDRA GANGADHAR YELAM
VERSUS
GANESH DATTATRAYA MORE AND ORS**

Mr. B. G. Sagade, Advocate for the applicant

CORAM : R. M. JOSHI, J.

DATE : 16th JANUARY, 2024

P.C. :-

1. This application for condonation of delay of 877 days caused in preferring second appeal challenging the judgment and decree dated 13th December, 2018 passed by First Appellate Court in RCA No. 24 of 2017 and judgment and decree dated 4th May, 2017 passed by CJSD, Shrirampur in RCS No. 270 of 2017.
2. Respondents are duly served absent. Their absence indicate that they have no inclination to oppose the application.
3. Applicant has claimed that due to lack of communication between applicant and his advocate he was unable about the judgment and decree dated 13th December, 2018 so also the judgment and decree passed by the First Appellate Court.

4. Learned counsel for the applicant submits that there are other second appeal (stamp) bearing No. 20634 of 2021 between the same parties is pending. As such according to him no prejudice will cause to the respondents if the delay is condoned.

5. The reason mentioned by the applicant for condonation of delay has gone unchallenged. No malafides can be attributed to the appellant in not preferring the appeal in time. Absence of the respondents shows that no prejudice is likely to be caused to them by condonation of delay. Hence, application is allowed in terms of prayer clause 'B'. Appeal be registered.

(R. M. JOSHI, J.)

ssp