



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14827 OF 2023
IN SAST/21712/2023

Shivaji Vithal Mane

...Applicant

VERSUS

Bismilla So Habibsab Choudhari Bagwan

....Respondent

....

Mr. N. G. Kale, Advocate for Applicant

Mr. R. S. Shinde, Advocate for Respondent

...

CORAM : R.M. JOSHI, J

DATE : JANUARY 18, 2024

PER COURT :

1. This application is for condonation of delay of 9 days in preferring Second Appeal against judgment and decree passed in RCA No. 78/2016 dated 15.03.2023 confirming the judgment and decree passed in RCS No. 65/2012.

2. Applicant contends that since the file was misplaced the Appeal could not be preferred in time.

3. Learned Counsel for the Respondent opposed application.

3. Considering the reasons given for the

condonation of delay and having regard to the delay of 9 days in preferring Appeal, no mala fides can be attributed to the Appellants in not preferring Appeal in time. Hence, application stands allowed in terms of prayer clause 'B'.

(R. M. JOSHI, J.)

Malani