



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11850 OF 2023
IN SAST/28525/2023

WITH

CIVIL APPLICATION NO. 11851 OF 2023
IN SAST/28525/2023

Dnyaneshwar Shivdas Mali And Ors

....Applicants

VERSUS

Ramesh Shyamrao Mali Died Through His
Legal Heirs Anil Ramesh Mali And Ors

....Respondents

....

Mr. S. R. Dheple, Advocate for the Applicants

Mr. P. H. Patil, Advocate for Respondent No. 5

...

CORAM : R.M. JOSHI, J

DATE : JANUARY 15, 2024

PER COURT :

1. This application is for condonation of delay of 40 days in preferring Appeal against judgment and decree dated 06.04.2023 passed in RCA No. 09/2021 confirming the judgment and decree dated 06.10.2018 passed in RCS No. 27/2009.

2. Though Respondent Nos. 1 to 4 duly served, absent. This indicates that they have no inclination to oppose application. Learned Counsel for Respondent No.

5 opposed application.

3. According to the Applicants owing to the poor financial conditions, they could not manage expenses for preferring this Appeal. In absence of opposition by contesting Respondents, there is no justification or reason to deny condonation of delay. No mala fides can be attributable to the Appellants in not preferring Appeal in time. In any case, Appellants would not have gained anything in not preferring Appeal in time. Hence, application is allowed in terms of prayer clause 'B'.

(R. M. JOSHI, J.)

Malani