



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

**CIVIL APPLICATION NO. 14771 OF 2023
IN SAST/31595/2023
WITH CIVIL APPLICATION NO. 14773 OF 2023
IN SAST/31595/2023**

**WITH CIVIL APPLICATION NO. 14772 OF 2023
IN SAST/31595/2023**

**BHIKAN AATYAJI SHEJWAL DIED THROUGH HIS L RS SINDHUBAI
BHIKAN SHEJWAL AND OTHERS**

VERSUS

SHANTIKUMAR BABULAL CHUDI WAL AND OTHERS

Mr. B. G. Sagade, Advocate for the applicants
Mr. S. V. Hange, AGP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 13th FEBRUARY, 2024

P.C. :-

1. This application is for condonation of delay of 727 days in preferring the second appeal challenging the judgment and decree dated 5th July, 2019 in Regular Civil Appeal No. 64 of 2019. Respondent Nos. 1 to 4 are duly served. None present for them to oppose the application which indicates that they have no inclination to oppose condonation of delay.

2. Learned AGP opposed the application on the ground that the delay is not satisfactorily explained.

3. It is the contention of the applicants that during the pendency of first appeal respondent No.1 in RCA No. 64/2019 died on 23/08/2020. It is contended that by suppressing the said fact the decree was obtained from the First Appellate Court. Having regard to these facts, it is clear that the delay caused in preferring the appeal the delay is not deliberate. In the peculiar facts and circumstances of the case, delay deserves to be condoned. Hence, application stands allowed in terms of prayer clause 'B'.

4. Appeal be registered.

(R. M. JOSHI, J.)

ssp