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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13849 OF 2024
IN SAST/33177/2024

PRADIP BHAUSAHEB DESHMUKH

....Applicant

VERSUS

PRATAP S/O BHAUSAHEB DESHMUKH

.....Respondent

.....
Advocate for Applicant : Mr. Adv Mayur Deokate

Advocate for Respondents : Mr. Adv.A.S. Shelke

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 18TH DECEMBER, 2024.

P.C. :-

1, Heard learned advocate for the applicant as well as learned advocate for respondent/caveator.

2. It is contention of the applicant that they are agriculturists residing in remote areas and do not possess knowledge about procedure for filing appeal. They received advice for filing the appeal from local advocate. They approached the advocate of High Court and then collected requisite documents. Delay caused in appeal is not intentional and matter pertains to the immovable property. Valuable rights are involved. Hence, prayer is made to condone the delay.

3. Mr. Shelke, learned advocate for respondent/caveator after

accepting notice for respondents vehemently opposes the prayer contending that the grounds stated in para. 2 and 3 cannot be considered as sufficient cause to condone the delay of 98 days.

4. Having considered submissions advanced, apparently parties are litigating regarding their rights in respect of agricultural lands. The applicants are residents of rural area. Possibility that they were not properly advised as regards to limitation for filing appeal and as regards further requirement cannot be ruled out. Averments made in the application are not controverted by filing affidavit in reply. It cannot be said that applicants have derived disadvantage by filing appeal belatedly. No prejudice would be caused to respondents if delay is condoned and second appeal is taken up for hearing on merit. Hence, application stands allowed.

5. On removal of office objections, second appeal be registered and placed for consideration on 2.1.2025.

[S.G. CHAPALGAONKAR, J]

grt/-