

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

**931 CIVIL APPLICATION NO. 2235 OF 2023
IN SAST/34339/2022
WITH**

**CIVIL APPLICATION NO. 2236 OF 2023
IN SAST/34339/2022**

SHIVAJI BANSI RATHOD

....Applicant

VERSUS

MANOJ BALABHAU JAGTAP AND ORS.

.....Respondent

.....

Advocate for Applicant : Mr. D.R. Markad h/f Mr. KAKADE
AMOL N .

Advocate for Respondent Nos. 1 to 3 : Mr. M.P. Kale

Advocate for Respondent No.4/A to 4/D : Mr. R.D. Kawade

Advocate for Respondent No.5 : Mr. S.S. Nade

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : OCTOBER, 22, 2024

ORDER:-

IN CIVIL APPLICATION NO. 2235 of 2023

1. Heard rival submissions.

2. This application is filed for condonation of delay of 1038 days in filing Second Appeal. The learned counsel for the appellants submits that he was not party to the present proceeding before the learned trial Court, but under the impugned decree his right is affected, as he is co-sharer in the suit property.

3. The learned counsel for the respondent though opposed the application, but considering the right of the applicant to contest the matter on merit, the application stands allowed in terms of prayer clause (B) subject to cost of Rs. 2,000/- to be paid to the Advocate's Bar Library, High Court, Aurangabad.

4. The application stands disposed of.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni