

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 125 OF 2019

CIVIL APPLICATION NO. 126 OF 2019

IN

SECOND APPEAL ST NO. 313 OF 2018

Kalavati Nagappa Birajdar and others

.....Applicants

Vs.

Sidharam Vitthal Patil

.....Respondent

Mrs. R. S. Baxi for the applicants

Mr. Yogesh Thorat i/b Mr. A. B. Tajane for respondent nos. 1 and 2

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CORAM : GAURI GODSE, J.

DATE : 13th SEPTEMBER 2024

ORDER:

1. This application is for condonation of delay of 273 days in filing the appeal. Learned counsel for the applicants submits that the reasons for the delay caused in filing the appeal and the steps taken by the applicants to file the appeal are stated in paragraph no. 7 of the application. She submits that delay that is caused is unintentional and only due to confusion created as stated in paragraph 7, appeal could not be filed in time. She therefore, requests that the delay be

condoned and the appeal be heard on merits.

2. Learned counsel for the respondent opposes the application on the ground that vague reasons are given in the application and the reasons are not acceptable.

3. I have perused the application. The reasons are explained in detail in paragraph no. 7. One of the reasons for the delay is illiteracy of the applicants about the procedure and time taken to approach the lawyer for filing the appeal. The reasons stated in the application are justifiable and acceptable.

4. Hence, for the reasons stated in the application, delay is condoned and the application is allowed in terms of prayer clause (b).

5. Office is directed to register the second appeal and list it under the caption for "Urgent Admission" on on 2nd December 2024.

[GAURI GODSE, J.]