

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 CIVIL APPLICATION NO. 134 OF 2025
IN SAST/451/2025

BALASAHEB DEELIP DESHMUKH
VERSUS
KALYAN MUKUND DESHMUKH

...
Advocate for Applicant : Mr. Prakash M. Shinde
Advocate for Respondent : Mr. Ashok B. Tale

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 18.08.2025

PER COURT :

Heard both sides.

2. The applicant is seeking condonation of delay of 248 days in preferring second appeal.
3. The learned counsel for the applicant submits that for the reasons stated in the amended paragraph no. 5A of the application, the delay needs to be condoned.
4. The learned counsel appearing for the respondent opposes the application.
5. I have gone through paragraph No. 5A of the application. The applicant is original plaintiff, who was successful before the Trial Court and the decree was reversed in the lower Appellate Court. I do not find that there are any *mala fides* on his part in preferring the appeal belatedly. Because of the procedural rigmarole either appeal could not be uploaded in time with requisite application for condonation of delay or the applicant was under impression that the appeal was uploaded. For the reasons stated in

the application, the delay is condoned.

6. The Civil Application is allowed, thereby condoning the delay of 248 days. Office shall register second appeal.

(SHAILESH P. BRAHME, J.)

mkd/-