



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 CIVIL APPLICATION NO. 719 OF 2025
IN SAST/1130/2025

SHAIKH KHALEEL SHAIKH MUNEER AND ANR
VERSUS
SUNIL SHRIRAMLALJI JAISWAL AND ORS

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Advocate for Applicants : Mr. Shrikant Vishnupant Adwant.
Advocate for Respondent Nos.5 to 7 : Mr. B. A. Darak h/f Mr.
Darak Umesh P.
Advocate for Respondent No.4 : Mr. R. B. Dhiple h/f Mr.
Salunke Parth S.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 26.08.2025

PER COURT :-

1. Heard both the sides.
2. Present application is for condonation of delay of 1816 days in preferring second appeal challenging judgment and decree dated 23.09.2019.
3. Learned counsel Mr. Adwant appearing for applicants would advert my attention to specific grounds taken in paragraph Nos.2 to 5 and 7 to 10. According to him, these are good grounds to condone delay. He would further submit that there are no malafides in preferring the appeal belatedly.

4. Per contra, learned counsel Mr. Darak appearing for respondents vehemently opposes the application. It is contended that the application is not supported by medical papers though illness of both the applicants are pressed into service as a ground for condonation of delay. It is submitted that in previous round of litigation, the decisions were rendered in favour of the respondents and again applicants are prosecuting the same issues. It is submitted that there are inordinate delay which has not been explained properly and the application is liable to be rejected.

5. I have considered rival submissions of the parties. At the outset it needs to be mentioned that averments in the application have not been controverted by the respondents by filing any reply. The applicants have come up with very specific grounds in the application which are as follows :

- (i) Delay in informing the decision by the dealing advocate.
- (ii) Death of son-in-law
- (iii) Medical emergency for wife of applicant No.1.
- (iv) The trauma faced by applicant No.1.
- (v) Death of concerned lawyer.
- (vi) Ailment of applicant No.2

(vii) Indulgence shown by the Supreme Court considering the peculiar circumstances of pandemic.

6. I find that the reasons stated above are adequate to condone the delay, I propose to adopt the pragmatic approach.

7. Civil application is allowed in terms of prayer clause “B” on condition that applicants to pay Rs.20,000/- to the respondents within a period of four weeks from today.

(SHAILESH P. BRAHME, J.)

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vmk/-