



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

**944 CIVIL APPLICATION NO. 3690 OF 2014
IN SAST/4786/2014
WITH CIVIL APPLICATION NO. 3691 OF 2014
IN SAST/4786/2014
WITH SECOND APPEAL NO. 232 OF 2014
WITH CIVIL APPLICATION NO. 3401 OF 2014
IN SA/232/2014**

**GAMBHIR VITHAL PATIL LRS SUNIL
VERSUS
ONKAR KESHAV MAHAJAN LRS GANGABAI AND OTHERS**

.....

Mr. Ujwal Subhash Patil, Advocate for Applicant
Mr. G. V. Wani, Advocate for Respondent Nos.1A to 1F

**CORAM : R. M. JOSHI, J.
DATE : 5th AUGUST, 2025**

PER COURT :-

1. Civil Application No. 3690 of 2014 is filed for condonation of delay of 119 days in preferring the Second Appeal against the judgment and order dated 20/07/2013 in R.C.A. No. 117/2003.
2. A perusal of the Application indicates that the Applicant claims himself to be agriculturist. It is also claimed that he has a resident of remote place and hence could not establish contact with his lawyer.
3. Learned Counsel for the Applicant submits that since the issue of the rights of the parties in immovable property is involved and as no malafides can be attributed to the Applicant, Application may be allowed.

4. Learned Counsel for the Respondents vehemently opposed the Application on the ground no sufficient cost has been made out.

5. There is no dispute about the fact that the original proceeding i.e. R.C.S. No. 1/1999 is for the possession of the immovable property on the basis of claim of the Plaintiff of the title in respect of the same. From the perusal of the Application it cannot be said that the delay is deliberate or any malafides can be attributed against the Plaintiff. However, in view of the fact that there is delay, the Applicant is directed to pay a cost of Rs.5,000/- to the contesting Respondents. On this condition, Application stands allowed.

6. Appeal be registered.

7. Issue notice to the respondents, returnable on 12th August, 2025. Mr. Wani, learned Counsel waives service of notice on behalf of Respondent Nos.1A to 1F.

8. The petitioner is at liberty to serve the other respondents by way of legally permissible mode of service apart from the Court service and to place on record service affidavit before the next date.

(R. M. JOSHI, J.)

ssp