



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

**CIVIL APPLICATION NO. 2967 OF 2025
IN SAST/5790/2025**

**MAROTI LIMBAJI GAIKWAD AND ORS
VERSUS
INDRABAI SAHEBRAO BEVALE DIED THR LRS RANABAI
BABURAO KUNDKAR AND ORS**

...
Mr. Akshay Kulkarni, Advocate for Applicants.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 27th MARCH, 2025.**

P.C.:-

1. By this application, applicants seek to condone delay of 305 days caused in filing present Second Appeal.
2. Although notice of this application is served upon respondents, none appears.
3. Mr. Kulkarni, learned Advocate appearing for the applicants invites attention of this Court to the reasons as stated in paragraph nos.6 to 9 of application, wherein it is explained that Appeal was filed through E-filing mode. Thereafter, on 07.02.2024 E-mail acknowledgment was received, particularly as regards to payment of Court fees. The appeal was pending for scrutiny with Registry. However, it was not allocated stamp or registration number. Thereafter, E-filing module was upgraded to Module 3.0 from Module 2.0. The data as regards to previous filing as per Module 2.0 is not accessible and available. In this background, Appeal is again presented. As such, delay of 305 days has been occasioned.

4. The submissions in the application are not controverted by respondents.

5. The reasons as stated appears to be plausible. The applicants have not derived any advantage by making such delay. Hence, sufficient cause is made out to condone the delay. Hence, following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 305 days caused in filing Appeal is hereby condoned.
- c. Appeal be registered subject to removal of office objections.
- d. On registration of Appeal, list Appeal for admission alongwith pending Civil Application on 16.04.2025.

(S. G. CHAPALGAONKAR)
JUDGE