



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6279 OF 2024
IN SAST/7290/2024

Anjanabai Ambadas Waghmode Maiden Name
Anjanabai Arjun Madane
VERSUS
Trimbak Ashruba Shelke

...

Shri N. L. Jadhav, Advocate for Applicant
Shri V. P. Savant, Advocate for Respondent No. 1 and 2

...

WITH
CIVIL APPLICATION NO. 6281 OF 2024
IN SAST/7290/2024

...

CORUM : ROHIT W. JOSHI, J.

DATE : 3rd MARCH, 2025

PER COURT :

1. This is an application for condonation of delay of 655 days in filing second appeal. The applicant has stated that she is an agriculturalist and due to insufficient yield for the last two years she is suffering serious financial crisis, as the consequence of which the appeal could not be filed within a prescribed period of limitation.

2. The respondents original plaintiffs have opposed the application on the ground that the proper explanation is not offered. The learned counsel for the respondent states that

admittedly Rs. 16,00,000/- is received by the appellant towards part of the sale consideration and as such the reason mentioned in the application for condonation of delay should not be accepted.

3. Having perused the application, I find that apart from financial hardship, the applicant has not offered any other reason seeking condonation of delay.

4. In that view of the matter, the objection raised by the respondents is justified. No cause is made out for condonation of delay of 655 days in filing Second Appeal. Application is therefore, rejected.

5. It may also be mentioned that admittedly, the suit was for refund of earnest money of Rs. 15,00,000/- in a contract for sale of immovable property, under which total sale consideration was Rs. 66,30,000/-. There is no clause for forfeiture of earnest money under the contract. In the absence of any such clause for forfeiture, the amount could not have been forfeited. In the result, the application for condonation of delay is **rejected**.

[ROHIT W. JOSHI]
JUDGE

KS_Kamble/