



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

**CIVIL APPLICATION NO. 5712 OF 2025
IN
APPEAL FROM ORDER STAMP NO. 10718 OF 2025**

Dyaneshwar Shankar Patil .. Applicant

Versus

Shridhar Chendu Patil
Since deceased through his L.Rs.
Sugandhabai Shridhar Patil and others .. Respondents

Shri Sudhir K. Chavan, Advocate for the Applicant.
Shri Dhananjay Mane, Advocate for the Respondents.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 25TH SEPTEMBER, 2025.**

FINAL ORDER :

- . Heard both sides.
2. The applicant seeks to condone the delay of 429 days caused in preferring appeal from order. For the reasons stated in the application the delay is sought to be condoned.
3. Learned counsel for the respondents vehemently opposes the application.
4. Averments of the application are not controverted. It is submitted by the learned counsel for the applicant that he would

not have otherwise preferred appeal from order challenging order of remand. By order dated 20.12.2024 his application filed U/O XXVI Rule 9 of the Code of Civil Procedure below Exhibit 71 is rejected stating that no liberty was given to him to lead the evidence. Learned counsel for the applicant has placed on record a certified copy of order dated 20.12.2024 passed below Exhibit 71.

5. The averments of the application have not been controverted. There are no malafides. I find substance in the submissions of the learned counsel for the applicants that because of the order dated 20.12.2024 he is required to file present appeal from order. I find substance in the application. The civil application is allowed in terms of prayer clause 'B'. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25