



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

**CIVIL APPLICATION NO. 13733 OF 2016
IN
SECOND APPEAL STAMP NO. 11691 OF 2015**

Dashrath Narayan Landhe
Since deceased through L.Rs.
Rakhmabai and others .. Applicants

Versus

Kashinath Narayan Londhe
Since deceased through L.Rs.
Sakhubai and others .. Respondents

Shri D. A. Mane, Advocate h/f Shri M. M. Patil, Advocate for the Applicants.

Shri Sanket S. Kulkarni, Advocate for the Respondent Nos. 1B to 1F, 2B, 2C, 3 to 5, 8A to 8F.

CORAM : SHAILESH P. BRAHME, J.

DATE : 11TH DECEMBER, 2025.

FINAL ORDER :

. Heard both sides.

2. As per the pursis tendered by the learned counsel appearing for the respondents, respondent Nos. 2B and 3 are the dead persons. As per the pursis filed on record by the appellants, legal heirs of the respondent No. 6A are already on record. The respondent No. 6B shall be treated at legal heir of the respondent No. 6A.

3. As per the pursis filed by the appellants the respondent Nos. 10 to 12 shall be treated to be representatives of the

deceased respondent No. 9 – Gulab Shantilal Gaikwad. Both the parties are unanimous that the interest of the respondent No. 9 shall be taken care of by the respondent Nos. 10 to 12.

4. Applicants seeks to condone delay of 374 days caused in preferring second appeal. The applicants are seeking condonation of delay mainly on the ground that the time was consumed because parties resorted to review of the judgment and decree passed by the lower Appellate Court. It was rejected on 05.01.2015. Thereafter it is contended that time is consumed for securing certified copies.

5. Application is contested by the respondents by filing reply.

6. Applicants have made out a case for condonation of delay. I do not find any oblique motive on the part of the applicants to prefer second appeal belatedly. The substantive rights of the parties are at stake and the practical approach would be to hear the second appeal on merits. I am inclined to condone the delay.

7. The civil application is allowed. The delay stands condoned on payment of cost of Rs. 2,000/- (Rs. Two thousands only) to the respondents. Cost shall be paid within a period of two (02) weeks from today. Office shall register the second appeal after payment of cost. The civil application is disposed of.

[SHAILESH P. BRAHME J.]