



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15336 OF 2016
IN SAST/12991/2016

Mahabuddin Mehataasab

VERSUS

Kishanrao Rachappa Bhalke (Died) LRs Shivkumar And Ors.

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Ms. A. N. Ansari, Advocate for Applicant

Mr. V. S. Kadam for Respondent Nos. 1/1, 1/2, 2, 4 and 5.

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CORUM : ROHIT W. JOSHI, J.

DATE : 3rd MARCH, 2025

PER COURT :

1. The present application is filed seeking condonation of delay of 282 days in filing second appeal challenging judgment and decree dated 06.04.2015 passed by the learned District Judge 1, Biloli in Regular Civil Appeal No. 18 of 2010, which was preferred challenging judgment and order dated 03.04.2010 passed by the learned Civil Judge Junior Division, Degloor rejecting third party objection filed by the appellant vide Exhibit 61 in Regular Darkhast No. 45 of 2003.

2. The learned counsel for respondents points out that in fact the present appellant had filed a substantive Second Appeal challenging the judgments and decrees passed in the Civil Suit from which the execution proceeding commenced. The second appeal

filed by the present applicant bearing Second Appeal No. 281 of 2011 is dismissed vide judgment dated 16.03.2012.

3. On a query being posed to the learned counsel for the applicant, she states in fairness that the contentions in the said appeal and the proposed second appeal in which delay is sought to be condoned are same.

4. In that view of the matter, no purpose will be served by entertaining the present application for condonation of delay, since relief contrary to the earlier judgment cannot be granted to the applicant. In that view of the matter, the application for condonation of delay is rejected with no order as to costs.

[ROHIT W. JOSHI]
JUDGE

KS_Kamble/