



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

**CIVIL APPLICATION NO. 8122 OF 2019
IN SAST/14872/2019**

**RUKAMINIBAI SATWA KAMBLE AND ANOTHER
VERSUS
NAMDEO KISHAN KAMBLE AND OTHERS**

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Mr. Mahesh P. Kale, Advocate for Applicants.

Mr. Anuj Fulfagar, Advocate for Respondent Nos.1 to 3.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th JANUARY, 2025.**

P.C.:-

1. Heard Mr. Kale, learned Advocate appearing for the applicants.
2. The applicants seek to condone the delay of 174 days caused in filing Second Appeal. The applicant no.1 is suffering from various ailments. The husband of applicant died on 18.01.2019. Therefore, she was under grief and after completing last rites, present Appeal has been filed.
3. The reasons as stipulated in the application are not controverted by the respondents. Parties are litigating for civil rights in respect of house property. The valuable rights are subject matter of dispute.
4. The learned Advocate appearing for the respondents, however, opposes contentions saying that delay is not properly explained.

5. Having considered submissions advanced and reasons as stated in the application, it is apparent that delay is not intentional and applicants have not derived any disadvantage by making such delay. Since dispute pertains to the immovable property, it is always desirable to have decision on merit.

6. In that view of the matter, case is made out to condone the delay. Consequently, Civil Application is **allowed**.

7. Delay of 174 days caused in filing the Second Appeal is hereby condoned.

8. Appeal be registered.

(S. G. CHAPALGAONKAR)
JUDGE