



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 10034 OF 2024
IN SAST/14852/2024

Changdev Tulshiram Rathod

VERSUS

Kaktilal Tulshiram Rathod

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Mr. U. S. Patil, Advocate for Applicant

Mr. P. P. Jadhav, Advocate h/f Mr. Y. A. Jadhav, Advocate for Respondent

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WITH
CIVIL APPLICATION NO. 10036 OF 2024
IN SAST/14852/2024

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CORUM : ROHIT W. JOSHI, J.

DATE : 12th MARCH, 2025

PER COURT :

1. This is an application for condonation of 322 days in filing Second Appeal. The applicant is an agriculturalist. The suit is instituted in the year 2009. The applicant was contesting the suit diligently and the suit was dismissed by the Trial Court vide judgment and decree dated 15.10.2013.

2. However, the appeal preferred by the non-applicant being Regular Civil Appeal No. 289 of 2013 came to be allowed vide judgment and decree dated 17.03.2023. The appeal was pending for a period of around ten years during which there was a communication gap between the learned advocate and the present applicant.

3. The applicant has stated that in that view of the matter, he was not aware about the adverse judgment and decree that came to be passed against him. The reasons are supported by affirmation. The non-applicants have not filed counter affidavit in order to deny or dispute the averments in the application.

4. In that view of the matter, I am inclined to condone the delay caused in filing Second Appeal. Civil Application is allowed. Delay in filing Second Appeal is condoned.

[ROHIT W. JOSHI]
JUDGE

KS_Kamble/