



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

49 CIVIL APPLICATION NO. 156 OF 2025
IN SECOND APPEAL (ST) NO. 20156 OF 2019

KARAN SHANKARRAO KOVALE AND ANOTHER
VERSUS
DASTGIR KASIM SHAIKH AND OTHERS

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Mr. Bhagwat A. Shinde – Advocate for Applicants

Mr. I.D. Maniyar – Advocate for Respondent Nos.1 to 3

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CORAM : SHAILESH P. BRAHME, J.

DATE : 28.07.2025

PER COURT :

1. Heard both sides.
2. The applicants are seeking condonation of delay of 1023 days for restoration of the Second Appeal which was dismissed for default. It is submitted that middle name of appellant No.1 incorrectly recorded in the certified copy of the lower Appellate Court. The applicants submitted necessary application to the District Court in disposed off appeal soliciting the corrections, it was allowed and thereafter corrected certified copy was received. These are the good ground to condone the delay and restore the Second Appeal.

3. Learned Counsel – Mr. I.D. Maniyar for the respondents submits that, there are lapses on the part of applicants, no timely steps were taken for prosecuting the Second Appeal. It is contended that the applicants had sufficient opportunity to file on record corrected copy.

4. After having the considered view of the parties, I find that it's a fit for condonation of delay and restoring the Second Appeal. Hence, Civil Application deserves to be allowed by imposing costs.

5. The Civil Application is allowed in terms of prayer clauses 'A' and 'B' on condition that, the applicants shall deposit the cost of Rs.2,000/- (rupees Two Thousands only) in the Advocate Bar Association, Bombay High Court bench at Aurangabad within a period of three (3) weeks.

[SHAILESH P. BRAHME]
JUDGE

Pooja Kale