



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

**CIVIL APPLICATION NO. 15282 OF 2023
IN SAST/32872/2023**

**LAXMAN RAMBHAU HONDE AND ORS
VERSUS
DROPADI ASHROBA HONDE AND ANOTHER**

...
Mr. S. M. Gunjkar h/f Mr. Pravin N. Kalani, Advocate for
Applicants.

Mr. K. B. Jadhav, Advocate for Respondent Nos.1 and 2.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 13th JANUARY, 2025.**

P.C.:-

1. Heard the learned Advocate appearing for the respective parties.

2. The applicants seek to condone the delay of 143 days caused in filing Second Appeal.

3. The learned Advocate appearing for the applicants submits that applicants obtained certified copies. However, inadvertently certified copy of Appeal memo filed before the District Court was not made available to them. The applicants are resident of remote area and old aged persons suffering from various ailments. They again took necessary steps for obtaining certified copy of the Appeal memo and then approached the Advocate for filing Appeal. The applicants have good ground on merit. Hence, he urges to condone the delay.

4. The learned Advocate appearing for the respondents vehemently opposes the application and contends that delay is not sufficiently explained.

5. Having considered submissions advanced and reasoning as stated in paragraph nos.3 and 4 of the application, it would be desirable to condone the delay, however, by imposing certain costs.

6. In the result, Civil Application is **allowed**.

7. Delay of 143 days caused in filing Second Appeal against the impugned judgment and decree dated 15.02.2023 passed by Principal District Judge, Parbhani in Regular Civil Appeal No.47/2017, is hereby condoned subject to condition that applicants/appellants deposit cost of Rs.2000/- with the Bar Library of the Bar Association of High Court Bench at Aurangabad.

(S. G. CHAPALGAONKAR)
JUDGE