



(1)

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

**943 CIVIL APPLICATION NO. 13487 OF 2024
IN SAST/32860/2024**

HARISHCHANDRA VISHWANATH SALUNKE (DIED), THR.
L.RS. SARUBAI HARISHCHANDRA SALUNKE (DIED), THR.
L.RS.BABASAHEB HARISHCHANDRA SALUNKE AND
OTHERS
VERSUS

BALWANT VISHWANATH JADHAV (DIED), THR. L.RS. ATUL
BALWANT JADHAV AND OTHERS

....

Mr M. D. Shinde, Advocate for applicants
Mr H. P. Jadhav, Advocate for respondents

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 18th June, 2025

PER COURT:

1. This is an application for condonation of delay in filing the second appeal.
2. Heard the learned advocate for the applicants/appellants.
3. Learned advocate for the applicants submits that there is delay of 115 days in filing second appeal which occurred because the applicants/appellants had initially consulted their lawyer and thereafter lawyer at Aurangabad for taking steps for filing the appeal. During this process, they collected documents from the Trial Court lawyer and

(2)

thereafter communicated with the lawyer at Aurangabad for filing the second appeal. He further submits that some time is consumed in managing court fees and Advocate fees and the delay occurred. The applicants/appellants are residents of Latur and were not in a position to file second appeal immediately. He then submits that the delay is not intentional and in the interest of justice, the same may be condoned.

4. Learned advocate Mr Jadhav appears for all the respondents. He vehemently submits that, although the extent of delay is short, the reasons mentioned in the application are not convincing. He strongly opposes the application. He submits that, even there is delay in filing Regular Civil Appeal and the approach of the appellants is negligent.

5. Considering the submissions advanced by the appellants and for the reasons mentioned in the civil application at paragraph Nos.2 to 4, which do not demonstrate any mala fide and as it appears that the delay is not intentional, I am of the opinion that, in the interest of justice, delay needs to be condoned, however, subject to costs of Rs.2000/- (Rs. Two Thousand only) to be deposited by the appellants

(3)

with the Advocate Association's Bar Library, Aurangabad, within a period of two weeks from today.

6. Civil Application is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

sjk