



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 CIVIL APPLICATION NO. 12886 OF 2024
IN SAST/27456/2024

JAGANNATH ANANDA HAPSE AND OTHERS

VERSUS

SUBHASH BHAGUJI JAGDALE (DECEASED) SUVARNA SUBHASH
JAGDALE AND OTHERS

...

Mr. Abasaheb Dharmaji Shinde, Advocate for Applicants.

Mr. Afzal Husain M. Vakil and Mr. Prakash Ganpat Dighe, Advocate for
Respondent No.2A (caveator).

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 26th JUNE, 2025

PC.:-

1. Heard Advocate Abasaheb Shinde for the Applicants and
Advocate Prakash Dighe for Respondent No.2A. Respondent Nos.1A
and 1B are already served, but nobody appears for them.

2. This is an application for condonation of delay in filing the
second appeal. Learned Advocate for the Applicants submits that the
delay occurred, since the Appellants were not aware about the decision

of first appeal and they got knowledge about it only when the copy of judgment was produced before the Tehsildar Rahuri, District Ahilyanagar in the proceedings between the parties. He submits that the delay is of only 83 days and it occurred because of the illiteracy of the Applicants having no knowledge about need to take immediate steps for filing the second appeal. He submits that the Applicants/Appellants are agriculturist and one of them is aged about 80 years, who was mainly concerned with taking decisions. He submits that the delay is absolutely unintentional and since the Appellants are interested in the early disposal of litigation, the delay of 83 days may be condoned.

3. As against this, learned Advocate for Respondent No.2A-Caveator strongly opposes this application. He vehemently submits that the Applicants were aware about the decision of the first appeal, since they were served with the caveat filed by the Respondents. Although, he has stated that the caveat was served, however, acknowledgments are not accompanied with the reply.

4. Be that as it may, the Appellants/Applicants are agriculturists and illiterate persons, who have contested the proceedings upto first appeal on merits and now desire to contest the second appeal. The delay of 83 days cannot be considered to be inordinate.

5. Considering the reasons mentioned in the Civil Application

No.12886 of 2024 at paragraph Nos.7 and 8 and considering the submissions advanced coupled with the fact that delay is of 83 days, I am inclined to condone the delay by imposing cost of Rs.5,000/- to be paid by Applicants by depositing the amount with this Court within two weeks from today. The Respondents are at liberty to withdraw this amount.

6. Civil application is allowed. Appeal be registered accordingly.

(PRAFULLA S. KHUBALKAR, J.)

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