

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

SECOND APPEAL NO. 355 OF 2025

Shevanti Kalu Gund & Anr.

....Appellants

V/S

Kisan Marhya Ravate

....Respondent

Mr Sumit Kothari i/b. Mr. Gautam J. Jain for the Appellants.
None for the Respondent

CORAM : M. M. SATHAYE, J.

DATED : 16th JUNE, 2025

P.C.:

1. Heard learned Counsel for the Appellants. Perused the record.
2. The Appellants are original Defendants in a suit for declaration and perpetual injunction, which was decreed. Perusal of the judgment of the Trial Court shows that the Advocate for the Appellants remained absent and no evidence was led on behalf of the Appellants and the Suit is decreed *ex-parte* granting declaration of ownership and perpetual injunction against the Appellant.
3. By the impugned order, the Appellants' application seeking delay condonation of about 9 months in filing the substantive First Appeal is rejected.

4. The following substantive question of law is framed:

“1. Whether the Lower Appellate Court was justified in rejecting the delay condonation Application of the Appellants, who claim to be Adivasi and contend that they were not given notice of the hearing; especially when their Advocate remained absent and the Lower Appellate Court has proceeded to hold that everywhere in the country, including in the villages and cities, people are using mobile phones, therefore the Appellants could have checked the status of the legal proceedings from any place?”

5. Issue notice of final disposal to the Respondents, returnable on 14/07/2025.

6. In addition to the Court's notice, private notice is permitted. Notice to indicate that subject to time constraint, an endeavour will be made to finally dispose of the Appeal at the admission state.

(M. M. SATHAYE, J.)