



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAS) NO. 675 OF 2024

IN

SECOND APPEAL (STAMP) NO. 9396 OF 2024

(Balkrishna Shrawan Teltumbde (dead) through L.Rs. ..vs.. Bindubai Baburao Taiwade and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.G. Baheti, Counsel for the applicants/appellants.

CORAM : ABHAY J. MANTRI, J.

DATED : 11-06-2025

The applicants/appellants have moved this application to condone the delay of 393 days caused in filing the second appeal, on the grounds that Appellant No. 1(a), who is handling the matter, has had chronic bronchial asthma since 2016 and, therefore, could not file the appeal in time.

2. During the argument, the learned Counsel for the applicants submitted that appellant Nos. 1(b) to 1(d) are married daughters of appellant No.1 (a) and the deceased Balkrishna, and they were not looking into the matters; therefore, the delay was caused in filing the appeal.

3. It also seems that despite service of notice on respondent No.1 through paper publication and respondent Nos. 2 and 3 by regular mode of service, they remained absent. It appears that they are not interested in pursuing the present application.

4. Having considered the reasons stated in the application, in my view, it would be appropriate to condone the delay on imposing certain costs. If the delay has been condoned, it will not cause prejudice to the respondents; however, the applicants will have the opportunity to contest the matter on its merits. Hence, the application is allowed, subject to the deposit of the costs of Rs. 10,000/- (Rupees Ten Thousand) in this Court within four weeks from the date of this order. If the applicants/appellants fail to deposit the costs in time, the application shall stand dismissed without further reference to the Court.

(ABHAY J. MANTRI, J.)

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