

Presented by Adv. shri. R.S. Shahi, on 24/11/2022.

Superintendent
Addl. Dist. and Sessions Court,
Nilanga

IN THE COURT OF HON'BLE 1ST D.J. AT NILANGA

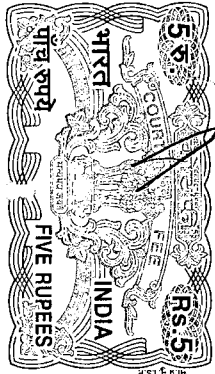
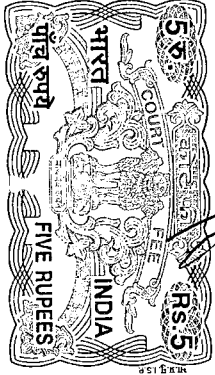
Gri. No. (Delay) NO. 31/2022
R.C.A. NO. /2022

Chabubai W/o. Baburao Shindale,
Age 54 Yrs, Occu. H.H.
R/o. Kumbhar, Tq. Renapur
Dist. Latur

Bxh. 1

Appellant

VS



1. **Kousabai W/o. Vishwanath Suryawanshi**
Age 78 Yrs, Occu. Agri,
R/o. Shabitwadi, Tq. Nilanga
Dist. Latur

2. **Shahaji S/o. Vishwanath Suryawannshi,**
Age 50 Yrs, Occu. Agri,
R/o. Shatibwadi Tq. Nilanga
Dist. Latur

3. **Annarao S/o. Vishwanath Suryawanshi**
Age 46 Yrs, Occu. Agri,
R/o. Shabitwadi, Tq. Nilanga
Dist. Latur

4. **Shalubai W/o. Dnyanoba Srimangle,**
Age 52 Yrs. Occu. H.H.
Tq. Tadmugli Tq. Nilanga Dist. Latur

5. **Sheela W/o. Govind Srimangle,**
Age 48 Yrs, Occu. H.H.
R/o. Tadmugli, Tq. Nilanga Dist. Latur

6. **Kamalbai W/o. Madhavrao Biradar,**
Age 70 Yrs, Occu. H.H.
R/o. Hasori (Bk) Tq. Nilanga Dist. Latur

Adv. V.V. Kulkarni

Adv. S.V. Kulkarni
Sh. 12

KR. NO. 76/22
Dt. 24/11/22

Date - 25/11/2022

CP.

- 1) Civil misc. Application (Delay) - 10/-
- 2) Vakalatnama - 10/-
- 3) Address Memo - -
- 4) List of documents alongwith - ~~10/-~~
(2) - filed.
- 5) Affidavit of applicant with - -
Support of application.

Examined and ordered to be Registered as
Civil M.A. (Delay)

Date - 25/11/22

Superintendent
Addl. Dist. and Sessions Court,
Nilanga

ment is sought. Hence, the

Civil M.A. (Delay) No. 31/2022

Dt. 25-11-2022

Order
25/11/2022

Issue notice to the
non-applicants R/on 9/1/2023.

D.J. Nilanga

matter is dismissed
for default
to argue.
Shanker.

DJ Nilanga.

15/11/2022

(3.45 P.M.)

o (Dt. 15/11/2024)

The application is
old and is in
the Inspection Notes
compliance.

Last chance was
granted to argue
the application by order

dt. 19/10/2024, and 14/11/2024
was dt. fixed. No arguments
have been advanced on 14/11/2024
and today (15/11/2024) also. No adjourn-

Last chance to
argue the
matter.

19/10/2024

DJ

Adv. S.V. K. Bule

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7. **Dattatraya S/o. Madhavrao Biradar**
Age 40 Yrs, Occu. Agri,
R/o. Hasori (Bk) Tq. Nilanga Dist. Latur

Ex - parte

8. **Hiralal S/o. Nagnath Dadge,**
Age 45 Yrs, Occu. Agri,
R/o. Yelamwadi (Nalegaon) Tq. Chakur, Dist.
Latur

3.

9. **Venkatrao S/o. Zetinga Tarmude,**
Age 66 Yrs, Occu. Agri,
R/o. Ramling (M.) Tq. Nilanga
Dist. Latur

Adv. - A.H.
Paul

Say - Exh. 24

9.

10. **Balika W/o. Venkatrao Tarmude,**
Age 47 Yrs, Occu. H.H.
R/o. Ramling (M) Tq. Nilanga Dist. Latur

11. **Ushabai W/o. Suryakant Halaspure**
Age 52 Yrs, Occu. H.H.
R/o. Udgir, Tq. Udgir, Dist. Latur

Respondent..

Subject : Application U/sec. 5 of Limitation Act.

MAY IT PLEASE YOUR HONOUR

The applicant submits her application as under;

1. That, the applicant had preferred an appeal against the judgment and decree of L.L.Court in R.C.S. No. 99/2014 which is decided on 25.10.2018.
2. That, the appellant is ill-litareate lady she filed a suit against the respondent no. 1 to 10 with respondent no.

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11, that the respondent no. 11 had assured to the present applicant that, she will manage all the proceedings of the suit and he was acted on her behalf also but unfortunately she was suffered from some family medical issue and in result the suit of the plaintiff was dismissed.

3. That, due to medical emergency the respondent no. 11 was not contacted with the present applicant and she did not inform the daily information about the suit. And also as the applicant is illetterate village lady she had lost her phone and also she is completely putting the faith of respondent no. 11, she could not contact to her advocate. After completion of covid pandemic she visited house of the respondent no. 11 and enquired about the proceeding of the suit then the respondent no. 11 did not give any information so the present applicant visited to her advocate Nilanga and then the applicant got knowdge about the dismissal of the suit. Then she applied for certified copies of judgment and decree on dated 12.09.2022 and said copies obtained on 29.09.2022 .

//4//

4. That, but again unfortunately the applicant was busy in delivery of her daughter and taking care of her so she was unable to come to Nilanga and filed an appeal so delay was caused for filing the present appeal is of near about 4 years .
5. That, the delay was not intentional one it was beyond the control of the present applicant, precious rights are involved in the suit property and suit property is immovable property and if opportunity was not given to the present applicant heavy injustice would be caused to the present applicant so for the interest of justice a fair chance is requires to be given to the present applicant.

An affidavit of applicant is enclosed herewith in support of this application.

HENCE IT SI PRAYED

The application of the applicant may kindly be allowed as under;

- A. The delay of 4 years may kindly be condoned.
- B. The appeal of the appellant may kindly be registered by condoning the delay of 4 years.

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C. Any other just and equitable relief may kindly be granted in favour of applicant.

Date: 24.11.2022

Appellant/Plaintiff,

P.G.J.

छबुबाई बाबुराव शिंदळे

Chabubai W/o. Baburao Shindale,

VERIFICATION :

I the above named applicant is hereby solemnly affirm that, the contents of the above application is read over and explained to me in Marathi language which I understand and it is true and correct to the best of my personal knowledge and belief.

o
Matter is
in the

Hence this Verification.

Inspection
note compliance.

Date: 24.11.2022

Appellant/Plaintiff,

The Adv.
for Applicant

P.G.J.

छबुबाई बाबुराव शिंदळे

Chabubai W/o. Baburao Shindale,

is not o (Dt. 14/10/2022)
present. No evidence adduced.
Put tomorrow put for Arguments.
for Arguments
and necessary
order, if not arrived. 14/10/2022
14/11/2022 DJ. DJ