

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.10064 OF 2010
IN
FIRST APPEAL [ST] NO.14755 OF 2010

Smt. Shobhana w/o. Prabhakar
Bacchav and ors. ..Applicants

Versus

Sachin s/o. Shivaji Marne
and anr. ..Respondents

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Mr.A.P.Avhad, advocate for applicants
Mr.M.M.Ambhore, advocate for respondent no.2

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CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 03, 2015

PER COURT :

Heard both sides.

2] The order dated 8th October, 2013 passed in Civil Application No.14059 of 2011 in First Appeal (St.) No.14755 of 2011, would show that the application for restoration of the appeal was already allowed. Office, therefore, to take note of the same as present application for condonation of delay is shown in rejected case.

3] Learned counsel for the applicants submits that the delay of 153 days in filing the appeal is caused as, after passing of the judgment by the trial Court, applicant no.2 – Vijay has undergone a critical and expensive surgery at Mumbai.

4] In my view, sufficient cause of made out. The delay is, therefore, condoned. The application is allowed.

[M.T. JOSHI, J.]

kbp