

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3602 OF 2013
IN
CRIMINAL APPLICATION NO. 3601 OF 2013

Savda Faizpur Nagari Sahakari
Patsanstha Maryadit, Savda,
Tq. Raver, Dist. Jalgaon.

....Applicant

Versus

Yeshwant Meghshyam Mahajan

....Respondent.

Mr. D.B. Thoke, Advocate for applicant.

Mrs. R. S. Kulkarni, Advocate for respondent.

CORAM : INDIRA JAIN, J.

DATED : 28th April, 2015.

ORDER :

Heard the learned counsel for parties. Perused the original record.

2) This is an application for condonation of delay of 68 days caused in filing appeal against judgment and order passed by the learned Judicial Magistrate, First Class, Bhusawal on 26.2.2013 in SCC No. 2840/2004.

3) The learned counsel for respondent objected the application. She submitted that no satisfactory reason is assigned for condonation of delay.

4) On the other hand, the learned counsel for applicant vehemently placed reliance on (i) **Gangadeep Pratisthan Pvt. Ltd. and Ors. Vs. M/s. Mechano and Ors. [AIR 2005 SUPREME COURT 1958]** and (ii) **Collector, Land Acquisition, Anantnag and Anr. Vs. Mst. Katiji and Ors. [AIR 1987 SUPREME COURT 1353]** and submitted that Society has a good and strong case on merits and considering the reasons for delay, application be allowed.

5) According to the applicant, as the Board of Directors came to be superseded and Board of Administrator was appointed to control the financial damage incurred to the Society, delay of 68 days was caused. There is no serious denial to this fact. In view of the reasons assigned in the application, this Court finds that delay needs to be condoned.

6) Application is accordingly allowed. Delay as prayed is condoned.

[INDIRA JAIN, J.]

ssc/