

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

Civil Application No. 4003 of 2015
(In Appeal From Order No. 32662 / 2014)

Irphan Gulabbhai Pathan.

.. Applicant.

versus

Goraksha Bhaskarrao Kale
& 2 others.

.. Non-applicants.

.....

Mr. A.K. Gawali, Advocate, for the applicant.

Mr. Y.V. Kakade, Advocate, for non-applicant nos.1 to 3.

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CORAM : A.M. BADAR, J.

DATE : 27TH NOVEMBER 2015

PER COURT :

1. Heard the learned Counsel appearing for the applicant as well as the learned Counsel appearing for non-applicants.
2. This is an application for condonation of delay of 33 days caused in filing Appeal From Order against the judgment and order dated 28-7-2014, passed by the learned Principal District Judge, Ahmednagar, in Regular Civil Appeal No. 48/2008.
3. The learned Counsel for non-applicants submits that the delay is not at all bona fide and as such, it should not be condoned.

4. It is seen that initially Second Appeal was filed by the present applicant under bona fide belief that the Second Appeal would lie challenging impugned order. Ultimately he was permitted to withdraw that appeal for filing instant Appeal from Order. As such, it cannot be said that the delay is not bona fide.

5. As sufficient cause is shown, the Application is allowed. Delay is condoned. Appeal From Order be registered and numbered. The Civil Application is accordingly disposed of.

(A.M. BADAR)
JUDGE

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