

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

38 CIVIL APPLICATION NO. 1175 OF 2014
IN FAST/600/2014

BABURAO VITTHAL KADAM AND ANOTHER
VERSUS
DATTATRAY TRIMBAK NIRPHAL AND ANOTHER

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Advocate for Applicants : Mr. Undre Vikram S
Mr. Barate Annasaheb R Adv For Resp 1;
Mr. VR Mundra, Advocate for Respondent 2;

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CORAM : P.R. BORA, J.
Dated: December 20, 2016

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PER COURT :-

1) Heard. Delay of 534 days has occurred in filing the present appeal. Learned Counsel appearing for the respondents have opposed for condoning the delay stating that insufficient reasons are assigned and on such reasons no such delay can be condoned.

2) On perusal of the application, it appears that the delay has been sufficiently explained. Moreover, when the claim petition itself has been dismissed, opportunity needs to be given to the appellants/claimants to contest their matter on merits. I am, therefore, inclined to condoned the delay. The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law. CA stands disposed of.

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3) After registration of the appeal, issue notice to respondents. Learned Counsel waive service for respective respondents. Service complete.

. Place the matter for admission on 31st January, 2017.

(P.R. BORA, J.)

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