

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

**CIVIL APPLICATION NO. 4983 OF 2016
IN
FIRST APPEAL (ST) NO. 11366 OF 2015**

Kacharu Madhav Misal ..APPLICANT

VERSUS

Shobha Ramdas Selar and Others ..RESPONDENTS

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Mr. M.K. Deshpande, Advocate for applicant.

Mr. V.R. Langhe, Advocate for Respondent Nos.1 to 3.

Mr. S.N. Morampalle, A.G.P. for Respondent No.4 – State.

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CORAM : P.R. BORA, J.

DATED : 29th JULY, 2016

ORDER :

. Heard the learned Counsel for parties.

2. Delay of 95 days has occurred in filing present appeal. The learned Counsel for Respondent Nos.1 to 3 has opposed for condoning the delay stating that the applicant was very well aware of the proceedings. The learned Counsel submits that the appeal itself is not maintainable. He has therefore prayed for rejecting the application.

3. After hearing both the sides, it appears to me that the appellant/applicant needs to be given an opportunity to hear the matter on merits. Hence the following order:-

O R D E R

- I) Civil application is allowed.
- II) Delay caused in filing the appeal is condoned.
- III) Appeal be registered in accordance with law.
- IV) Civil Application stands disposed of.

(P.R. BORA, J.)

SSD