

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

37 CIVIL APPLICATION NO. 1514 OF 2013
IN FAST/22906/2012

DNYANDESHWAR BALIRAM CHAVAN AND ANR.
VERSUS

THE STATE OF MAHARASHTRA AND ANR.

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Advocate for Applicant : Mr. Parikshit P. Dawalkar

AGP for Respondent No.1 : Mr. S. P. Sonpawale.

Advocate for Respondent No.2 : Mr. P. P. More (Absent)

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CORAM : K.K. SONAWANE, J.

DATED : 14th AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicants and learned A.G.P. for respondent No.1. The learned counsel for respondent No.2 remained absent.
2. The present application is filed seeking condonation of 55 days delay caused in preferring an appeal against the impugned Judgment and Award passed by the learned trial Court in L.A.R.No. 629 of 2010.
3. According to learned counsel for applicants, the applicants are rustic and illiterate person. They attempted to contact their counsel at Beed for getting the certified copies of decision in the reference petition, however, lack of communication applicants could not present the appeal within stipulated period. The delay caused in preferring appeal was not an intentional or deliberate, but it occurred due to lack of communication between themselves. Therefore, learned counsel prayed to allow the application.
4. The learned A.G.P. raised objection and submits that, there is no sufficient cause to condone the delay and prayed to reject the application.

5. I have given anxious consideration to the rival submissions canvassed on behalf of the both sides. Perused the relevant documents produced on record. It appears that, there is delay of 55 days in preferring the appeal against the impugned Judgment and Award passed by the Reference Court.

6. Considering the reasons mentioned in the application and submissions advanced by both sides, I find it justifiable to afford reasonable opportunity to the applicants to ventilate their grievances before the Appellate Forum. In case, the opportunity is not granted, it would cause injustice and prejudice to them. Therefore, in the interest of justice, application deserves to be allowed.

7. In the light of above, application stands allowed in terms of prayer clause 'B'. The delay of 55 days caused in preferring an appeal against the impugned Judgment and Award passed by the learned trial Court in L.A.R.No. 629 of 2010 stands condoned. Registry to take requisite steps for further process.

8. On registering the appeal, the same is **Admitted**.

9. Issue notice to respondents, returnable on 04-09-2017. The learned A.G.P. waives service of notice for respondent No. 1.

10. In addition to court process, applicants shall serve respondent No.2 privately by any fastest legally acceptable mode and file affidavit along with tangible proof of service by returnable date.

11. The Civil Application for condonation of delay stands disposed of in aforesaid terms.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK