

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

1065 CIVIL APPLICATION NO. 11908 OF 2016
IN FAST/24449/2016
WITH
FAST 24449/2016

SANDEEP DHARMARAJ PATIL
VERSUS
RAMESH MAHADEVRAO PORJE AN ORS

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Advocate for Applicants : Mr Bhokarikar Madhav M
Mr V B Madan adv. For respondent no.2.

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CORAM : V.K. JADHAV, J.
Dated: January 13, 2017

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PER COURT :-

1. Learned counsel for the applicant submits that due to financial constraints the applicant could not prefer the appeal within limitation and therefore, delay occurred. There is no intentional delay as such.

2. Learned counsel appearing for respondent no.2 has strongly resisted the application. However, in view of the submissions above and for the reasons stated in the application, I am convinced that delay has been satisfactorily explained. Hence, civil application is allowed in terms of prayer clause 'B' and delay of 314 days caused in filing the appeal is hereby condoned. Civil application disposed of.

3. In appeal, issue notice to the respondents, returnable on 24.2.2017. Advocate Mr. Madan waives notice for respondent no.2.

(V.K. JADHAV, J.)