

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 7476 OF 2018
WITH
CA/7477/2018
IN
SAST/6009/2018

BALAJI RAMCHANDRA GHANCHAKKAR
(KAMTHEKAR) AND ANR.
VERSUS
KHANDUJI RAMCHANDRA GHANCHAKKAR
(KAMTHEKAR) AND ORS.

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Mr. S.S.Gangakhedkar, Advocate for applicants.
Mr. S.C.Bhosale, Advocate for R – 1 & 2 – absent.

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CORAM: VL.ACHLIYA, J.
DATE : 16/10/2018
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ORAL ORDER :

1. The applicants have moved application for condonation of 136 days delay in filing appeal for the reasons set out in detail in the application.
2. Heard learned counsel for the applicants. None present for respondent Nos. 1 and 2 though served.
3. Learned counsel for the applicants submits that the delay caused in filing appeal was not deliberate but due to the reasons set out in detail in the application. It is contended that considerable time was spent for securing copies and arranging the documents required for filing the appeal as well as arranging the court fees to be deposited. So also, applicant No. 1 Balaji

Ramchandra Ghanchakkar was suffering from fever and, therefore, confined to bed during the period from 24/10/2017 to 06/11/2017. In this back-ground, learned counsel submits that the delay deserves to be condoned. It is further submitted that if delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reason.

4. Considering the submissions advanced in the light of unchallenged pleadings assigning reason for condoning delay, I am of the view that delay deserves to be condoned. The applicants have sufficiently explained delay. In case if delay is condoned, no serious prejudice would be caused to the respondents as ultimately the appeal will be heard and decided on its own merit. On the contrary, if delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reason. I am, therefore, inclined to allow the application. Accordingly, the application is allowed. Delay condoned. Appeal be registered and place for admission on 27/11/2018.

5. S.O. 27/11/2018. Interim order dated 15/06/2018 operating in the matter to continue till next date.

[V.L.ACHLIYA]
JUDGE