

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

CIVIL APPLICATION NO. 8304 OF 2018
IN SAST/10554/2018

SAMBHAJI GANGARAM KADAM AND OTHERS
VERSUS
CHANDRABAI GOPALRAO KADAM

...
Adv. for Applicants : Mr. Ananta R. Magar h/f Mr. Ganesh P. Shinde
Advocate for Respondent sole : Mr. P. R. Katneshwarkar.

...

CORAM : V.L. ACHLIYA, J.

DATED : 29th AUGUST, 2018

ORDER :-

The applicants/appellants has preferred this application to condone 22 days delay in filing the appeal for the reasons set out in detail in the application.

2. Heard the learned counsel for applicants and respondents.

3. The learned counsel for the applicants submit that delay caused in filing appeal was not deliberate but caused due to poor financial condition of applicants. It is contended that the applicants are poor agriculturists. After making arrangement of funds, they could approach the Advocate to file appeal. In the process, there was delay of 22 days in filing appeal.

4. On the other hand, learned counsel for respondents opposed the application with contention that no sufficient cause has been assigned to condone the delay and the reasons assigned are false, concocted. The applicants have not produced the necessary particulars.

5. Considering the submissions advanced, in the light overall facts of the case, I am of the view that delay deserves to be condoned. In case delay is condoned, no serious prejudice would be caused to the respondents, as the appeal will be decided on merit. However, if delay is not condoned there is every likelihood that serious prejudice may be caused to the applicants. I am, therefore, inclined to allow the application. Accordingly, application is allowed. Appeal be registered. Place the appeal for admission subject to removal of office objections on 17-10-2018.

6. The civil application stands disposed of in above terms.

(V.L. ACHLIYA, J.)

MTK.