

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO. 8810 OF 2018
IN
SAST/11347/2018

DEEPAKSING RAMSING BAYAS AND ORS.
VERSUS
SAHEBSINGH HONUSINGH CHAUHAN
THRO. AMARSINGH SONUSINGH CHAUHAN

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Mr. R.D.Biradar, Advocate for applicants.
Mr. Arvind Deshmukh, Advocate for respondent.

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CORAM: VL.ACHLIYA, J.
DATE : 10/10/2018

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ORAL ORDER :

1. The applicants have filed this application for condonation of 303 days in filing appeal for the reasons set out in detail in the application.
2. Heard learned counsel for the applicants and respondent.
3. In brief, it is the contention of learned counsel for the applicants that the delay caused in filing appeal was not deliberate but due to poor financial condition and proper legal advice to take steps in the matter. It is submitted that the applicants are illiterate persons. They had no proper guidance as to steps to be taken in the matter. Due to this reason, delay of 303 days has been caused in filing appeal. He submits that in case delay is condoned, no serious prejudice would cause to the other

side as ultimately the appeal will be decided on its own merit.

4. On the other hand, learned counsel for respondent submits that no sufficient cause has been assigned to condone the delay.

5. Considering the submissions advanced in the light of unchallenged pleadings, I am of the view that delay has been sufficiently explained. In case delay is condoned, no prejudice would cause to the respondent as the matter will be decided on its own merit. If delay is not condoned, serious prejudice would cause to the applicants. I am, therefore, inclined to allow the application and condone the delay. Delay condoned. Appeal be registered.

6. The application stands disposed of in above terms.

[V.L.ACHLIYA]
JUDGE