

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

1031 CIVIL APPLICATION NO. 7479 OF 2018
IN SAST/15104/2018 WITH CA/7480/2018 IN SAST/15104/2018

VIMALBAI BABU MULE AND ANOHER
VERSUS
UTTAM RAMRAO MULE AND OTHES

...
Advocate for Applicants : Mr. Vishal V. Udhan h/f Mr. Balbhim R.
Kedar

Adv. for Respondent 1 : Mr. M.L. Dharashive

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CORAM : V.L. ACHLIYA,J.

DATED : 24th August , 2018.

Order :-

1. The applicant/appellant has moved this application to condone 76 days delay caused in filing the appeal, for the reasons set out in detail in the application.
2. Heard learned counsel for the applicant and respondent No.1. Respondent Nos. 2 and 3 though served, absent.
3. In a nutshell, it is the contention of the learned counsel for the applicant that the delay caused in filing the appeal was not intentional and deliberate but caused due to reason that the Advocate for the applicant did not communicate the decision till second week of May, 2018. As soon as the applicant got knowledge in respect of dismissal of the appeal, she immediately approached her advocate and obtained certified copy. In the process, delay of 76 days has been caused in filing the 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 and by way of an after-thought.

5. Considering the submissions advanced, in the light of 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 ultimately the appeal will be decided on merit. However, if delay is not condoned that serious prejudice may be caused to the applicant and meritorious matter may be dismissed for technical reasons.

6. I am, therefore, inclined to allow the application. The application is allowed. Delay is condoned. Appeal be registered. Accordingly the application stands disposed of.

[V.L. ACHLIYA]
JUDGE

grt.