

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

1037 CIVIL APPLICATION NO. 9272 OF 2018
IN SAST/16044/2018 WITH CA/9273/2018 IN SAST/16044/2018

BHAUSAHEB GOVIND KORAKE AN OTHERS
VERSUS
SHANKAR ANNA SHINDE

...
Advocate for Applicant : Mr. Zafar M. Pathan
Adv. for Respondent sole : Mr.P.P. Dawalkar h/f Mrs. C.S.
Deshmukh

...

CORAM : V.L. ACHLIYA,J.

DATED : 24th August , 2018.

Order :-

1. The applicant/appellant has moved this application to condone 17 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 the respondents.
3. In short, 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 applicants were out of town due to personal reason and therefore, they could not file the appeal within time.
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 there is every likelihood that serious prejudice may be caused to the applicants.

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.