

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

**915 CIVIL APPLICATION NO. 8128 OF 2018
IN SAST/16561/2018 WITH CA/8129/2018 IN
SAST/16561/2018**

VITHAL HARI MASKE
VERSUS
AMBADAS BABURAO SABALE AND OTHERS

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Advocate for Applicant : Shri A.R.Devakate
Advocate for Respondent Nos.1 & 2 : Shri A.D.Kasliwal

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CORAM : P.R. BORA, J.

Date: June 29, 2018

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PER COURT :-

1 Heard learned Counsel appearing for the applicant and learned counsel for the respondents.

2 According to learned counsel for the applicant delay of 8 days has caused in filing the Second Appeal by the applicant, whereas it is the contention of the learned Counsel appearing for the respondents that the delay caused is of 98 days.

3 The learned counsel appearing for the respondents submits that the applicant is expected to explain the delay, which has caused in not obtaining certified copy well within limitation and since no such explanation is given, the delay cannot be condoned.

4 On going through submissions and pleadings, it appears to me that the reasons as are mentioned in the

application are satisfactory. Therefore, I am inclined to allow the application and pass the following order:-

ORDER

- 1 Application is allowed.
- 2 The delay caused in filing the Appeal is condoned.
- 3 The Appeal be registered in accordance with law.
- 4 The learned counsel submits that respondent Nos.1 and 2 are the only contesting respondents and notices are required to be issued against those respondents only.
- 5 On registration of Appeal, issue notice to respondent Nos.1 and 2 in the Second Appeal as well as in application for Stay.
- 6 Shri A.D.Kasliwal waives service of notice for respondent Nos.1 and 2. The learned counsel has also tendered reply of the said respondents on the application for condonation of delay.

(P.R. BORA, J.)

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