

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

1030 CIVIL APPLICATION NO. 6529 OF 2018
IN RC/1338/2014

GANGABAI SHIVLINGAPPA NARE
VERSUS
ZILLA PARISHAD, OSMANABAD ND OTHERS

...
Advocate for Applicant : Mr. S. N. Patne

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CORAM : V.L. ACHLIYA,J.

DATED : 24th August , 2018.

Order :-

1. The applicant/appellant has moved this application to condone delay of 192 days caused in filing the appeal, for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant. Respondents though served, absent.

3. In 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. The applicant being aged 80 years old and no male member in her family to assist her to file appeal, she could not file appeal within time. Learned counsel submits that the appellant has a good case to succeed in appeal and in case delay is not condoned there is every likelihood that a meritorious case of appellant may be dismissed for technical reasons.

4. 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 possibility that serious prejudice may be caused to the applicant. The applicant is aged

80 years and suffering from various ailments. Therefore, the reasons assigned for condonation of delay cannot said to be false and concocted.

5. 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.