

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 16751 OF 2015
IN
SAST/20345/2014

LATABAI SHIVAJIRAO CHOKHAT
VERSUS
SHIVAJIRAO SHANKARRAO CHOKHAT AND ORS.

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Mr. P.S.Paranjape, Advocate for applicant.

Mr. M.M.Patil (Beedkar), Advocate for R – 1 to 3.

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CORAM: V.L.ACHLIYA, J.

DATE : 21/09/2018

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ORAL ORDER :

1. The applicant has moved this application for condonation of 142 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for applicant and respondents. It is the contention of learned counsel for the applicant that the delay caused in filing appeal is not deliberate but caused due to extreme poverty. It is submitted that the applicant is maintaining herself by doing labour work. Respondent No. 1 is her husband and deserted her.

3. On the other hand, learned counsel for the respondents opposed the application with contention that no sufficient cause has been assigned to condone the delay in filing appeal.

4. On due consideration of submissions advanced in the light

of unchallenged pleading made in the application assigning cause to condone the delay, I am of the view the delay has been properly explained on the part of applicant. The applicant is a deserted wife of respondent. On account of extreme poverty the applicant could not file appeal within time. Hence, I am inclined to allow the application. Accordingly, the application is allowed. Delay caused in filing appeal is condoned. Appeal be registered.

5. Learned counsel for the applicant is directed to remove office objections within one week.

6. The application stands disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP/C.A. 16751.2015 in S.A.St. 20345.2014