

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

**955 CIVIL APPLICATION NO.10411 OF 2018  
IN FIRST APPEAL ST.NO.20633 OF 2018**

...

**APPROCOP ENGINEERING PRIVATE LIMITED  
VERSUS  
VISHAMBAR PRABHAKAR SHINDE**

...

Shri S.S.Ladda, Advocates for the applicant  
Shri P.D.Suryawanshi, Advocate for the  
respondent

...

**CORAM : P.R.BORA, J.  
DATE : 03.10.2018**

**ORDER:**

1. Heard the learned counsel appearing  
for the parties.

2. The delay of 107 days has occurred  
in filing the present First Appeal.

3. The learned counsel appearing for  
the respondent i.e. original claimant has  
opposed for condoning the delay, and in the  
alternative, has prayed for cost.

4. The reasons for occurrence of the  
delay are explained in para nos.2 to 6 of the  
application. I am convinced that the delay so

caused in filing the present First Appeal is neither intentional nor deliberate. I am, therefore, inclined to allow the Application. Hence the following order:

**ORDER**

1. The application is allowed. The delay caused in filing the present First Appeal is condoned.

2. The First Appeal be registered in accordance with law. On registration of the First Appeal, issue notice to the respondent, returnable after two weeks. Shri P.D.Suryawanshi, learned counsel waives service for sole respondent.

3. List the First Appeal for further consideration after two weeks.

**[ P . R . BORA ]**  
**JUDGE**

DDC