

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

1034 CIVIL APPLICATION NO. 8423 OF 2018
IN SAST/33003/2017 WITH CA/8424/2018 IN SAST/33003/2017

KESHAV KANHOJI NAIK AND ANOTHER
VERSUS
TAIMUR GAFUR KHAN PATHAN AD ANOTHER

...
Advocate for Applicants : Mr. Yogesh B. Bolkar
Adv. for respondent Nos. 1 and 2 : Mr. U.S. Pawar.

...

CORAM : V.L. ACHLIYA,J.

DATED : 24th August , 2018.

Order :-

1. The applicant/appellant has moved this application to condone 8 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 Nos. 1 and 2.
3. In a 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 but caused due to reason that the applicant was required to complete procedural formalities as advised by his counsel.
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 possibility that serious prejudice may be caused to the applicant.

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.