

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

37 CIVIL APPLICATION NO. 1673 OF 2017
IN FAST/35254/2016

RAJEBHAU DYANOBA KALDATE
VERSUS
SHARDA ASHOK GARUD AND ORS

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Advocate for Applicant : Mr.Agrawal Pavankumar S.
Advocate for Respondent Nos.1 & 2, 4 & 6 : Mr.Mayure P.C.
Advocate for Respondent No.8 : Mr.Swapnil Dargad h/f.
Mr.Chapalgaonkar S.G.

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CORAM : M.S.SONAK, J.
DATE : 29.1.2018

PER COURT:-

1) Learned counsel for the applicant submits that service is complete on all the respondents.

2) Mr.Swapnil Dargad learned counsel, who holds for Mr.S.G.Chapalgaonkar learned counsel for respondent No.8 opposes the condonation of delay by submitting that there is no proper explanation.

3) Mr.P.C.Mayure learned counsel for respondent Nos.1, 2, 4 to 6 also opposes the application for condonation of delay on the very same ground.

4) Upon considering the averments in the civil application including in particular the averments in paragraph Nos.4 and 5, sufficient cause can be said to have been made out. There appears no malafide or gain of any advantage by delaying in institution of appeal. The delay is therefore condoned and civil application is disposed of.

[M.S.SONAK, J.]