

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

1027 CIVIL APPLICATION NO. 9388 OF 2017
IN SAST/35829/2015

SHRI. BHASKARRAO HARIBHAU HARADE
VERSUS
SHRI BHUJANG PUBHAJI BUDGE

...
Advocate for Applicant : Mr. M.M. Bhokarikar
Adv. for Respondent sole : Mr. A.N. Sabnis

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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 157 days caused in filing the appeal, for the reasons set out in detail in the application.
2. Heard learned counsel for the applicant and respondent.
3. Learned counsel for the applicant submits that the delay caused in filing the appeal was not intentional and deliberate but caused due to time spend in making necessary arrangement including raising funds for filing the appeal. He submits that the appellant has a good case to succeed and in case delay is not condoned there is every likelihood that a meritorious case may be dismissed for technical reasons.
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 applicants. I am, therefore, inclined to allow the application. Delay is condoned. Appeal be registered.

6. Accordingly, the application is allowed and disposed of.

[V.L. ACHLIYA]
JUDGE

grt.