

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

**945 CIVIL APPLICATION NO.3329 OF 2019
IN
SAST/3111/2019**

**NANABHAU DAULAT PAWAR
VERSUS**

ANTIKAIBAI JANARDHAN PAWAR AND OTHERS

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Ms.S.P.Chate , Advocate for applicant.

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CORAM: V.L. ACHLIYA,J.

DATE : 22/11/2019

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ORAL ORDER:

1. The application is moved for condonation of 238 days delay in filing Second Appeal for the reasons set out in detail in the application.

2. In nut shell it is the contention of learned counsel for applicant that the delay caused in filing Appeal can not be termed as inordinate and deliberate. It is submitted that applicant approached High Court Legal Services authority to present Appeal. He has approached the authority within time. However, due to procedural delay and work load, the High Court Legal Services authority could not appoint the Advocate within time. As soon as the Advocate is

appointed, the Appeal is prepared and presented. In the process delay of 238 days caused in filing Appeal. In case delay is condoned, no prejudice would be caused to the respondents. If delay is not condoned, there is likelihood that Appeal may be rejected for technical reasons.

3. Respondent Nos. 1 and 2 though served, absent.

4. On due consideration of the submissions advanced in the light of reasons pleaded in the application which remains unchallenged, uncontroverted, I am of the view the delay deserves to be condoned. It is the specific case of the applicant that he has approached for filing Appeal within time. Due to procedural delay, the Appeal could not be filed within time. In that view the delay deserves to be condoned. I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered after removing office objections.

5. If Appeal is registered, place the Appeal for admission on 13/01/2020.

6. S.O. 13/01/2020.

[V.L.ACHLIYA]
JUDGE

KNP