

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

922 CIVIL APPLICATION NO.3753 OF 2019
IN FAST/3949/2019

MINAKSHI SUBHASH PATIL
VERSUS
UNION OF INDIA THR ITS GENERAL MANAGER CENTRAL
RAILWAY, MUMBAI C.S.T.

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Advocate for Appellant : Mr. Girish Nagori.
Advocate for Respondent-Sole : Mr. Manish N. Navandar

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CORAM : V.L. ACHLIYA, J.

DATED : 11th APRIL, 2019

PER COURT:-

1. Heard.
2. Issue notice to respondent. Mr. Navandar, learned standing counsel accept the notice for the respondent.
3. The applicant – appellant has moved this application for condonation of 11 days delay in filing the appeal.
4. In brief, it is the contention of learned counsel for the applicant that the delay caused in filing the appeal was not intentional or deliberate but resulted due to reasons set out in detail in the application.
5. On the other hand, the learned counsel for the respondent opposed the application with contention that the reasons assigned are not sufficient to condone the delay and urged to reject the application.

6. Considering the submissions advanced in the light of unchallenged pleadings in the application and the cause assigned for condonation of delay, I am of the view, the delay deserves to be condoned. In case, delay is condoned, no serious prejudice would be caused to the respondent, as ultimately the appeal will be decided on its own merit. On the contrary, if delay is not condoned there is every likelihood that a serious prejudice may be caused to the applicant – appellant, as possibility of meritorious matter may be dismissed for technical reasons cannot be ruled out. I am, therefore, inclined to allow the application.

7. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered. Mr. Navandar, learned standing counsel accept the notice of appeal for the respondent.

8. Call Record and Proceedings and list the appeal for admission on 17.06.2019.

9. Parties are put to notice that the appeal may be heard finally at the stage of admission on 17.06.2019.

(V.L. ACHLIYA)
JUDGE

SPR