

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

**CIVIL APPLICATION NO.3020 OF 2019
IN SAST/4186/2019**

MARUTI RAMA HOLER (MANE) AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

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Mr.V.P. Savant, Advocate for the applicants
Mr.A.P. Basarkar, A.P.P. for respondent/State

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CORAM: V.L. ACHLIYA, J.
DATE : 15.07.2019

ORAL ORDER:

The applicants/appellants have filed this application seeking condonation of 33 days delay in filing the appeal for the reasons set out in detail in the application.

2. Learned counsel for the appellants/applicants present. Though served, none present for respondent Nos.4 to 6. Learned A.G.P. present for Respondent Nos.1 to 3.

3. In brief, it is the case of applicants that the delay caused in filing appeal was due to reason considerable time spent in collecting copies of documents required for filing appeal. After securing the certified copy of judgment and decree of

appellate Court, the applicants were asked to obtain the copies of the judgment and decree passed by the trial Court. In the process, the time expired to file appeal.

4. Considering the submissions advanced in the light of reasons assigned to condone the delay of 44 days in filing appeal and the pleadings made in the application, which remains unchallenged and uncontroverted, I am of the view that the delay deserves to be condoned. In case, the delay is not condoned, there is every likelihood that the meritorious matter may be rejected for technical reason. If the delay is condoned, no serious prejudice would cause to the respondents. I am therefore, inclined to allow the application. Accordingly, the application is allowed. Delay condoned. The appeal be registered subject to removal of office objection.

[V.L. ACHLIYA]

JUDGE

SGA