

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

25 CIVIL APPLICATION NO. 7568 OF 2019
IN
SAST/6645/2019
WITH
CA/7566/2019
IN
SAST/6645/2019

VISHWANATH KERU SASANE AND OTHERS
VERSUS
THE COLLECTOR, COLLECTOR OFFICE AND OTHERS

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Mr. Akshay Kulkarni h/f Anjali Dube (Bajpai),
Advocate for Applicants.
Mr. K.D.Mundhe, A.G.P. for State.

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CORAM : V.L.ACHLIYA, J.
DATE : 08/07/2019

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ORAL ORDER :

1. Heard.
2. Issue notice to the respondents. Learned A.G.P. waives service of notice for respondent Nos. 1 to 5.
3. By consent, the application is taken up for hearing.
4. The applicant has preferred this application seeking condonation of 66 days delay in filing appeal for the reasons set out in detail in the application.
5. In brief, it is the contention of learned counsel for applicants that the applicants are poor agriculturists residing in remote villages. They are illiterate persons. They are not aware of legal intricacies of as to

steps to be taken for filing appeal. After obtaining the advise they had arranged money to present appeal. In the process, delay of 66 days has been caused, which according to the applicants was neither intentional nor deliberate. It is submitted that the applicants have good case in appeal. In case delay is not condoned, it would result in serious consequences. The meritorious matter of the applicant may be rejected for technical reasons.

6. Learned A.G.P. opposed the application with the contention that the cause assigned for condonation of delay is by way of an after-thought and same is not sufficient to condone the delay.

7. On due consideration of submissions advanced in the light of unchallenged pleadings raised in the application, I am of the view the delay deserves to be condoned. In case delay is not condoned, there is every likelihood that the appeal filed by the appellant may be rejected for technical reasons. On the contrary, if delay is condoned, no serious prejudice would be caused to other side. I am, therefore, inclined to allow the application.

8. Accordingly, the application is allowed. Appeal be registered subject to removal of office objections. The appeal be placed for admission on 01/08/2019.

9. The application stands disposed of in above terms.

[V.L.ACHLIYA]
JUDGE