

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

**CIVIL APPLICATION NO.9008 OF 2018
IN SAST/9512/2018 WITH CA/9010/2018 IN
SAST/9522/2018 WITH CA/9012/2018 IN
SAST/9528/2018**

**RAMESH NATHA SHINDE AND ANOTHER
VERSUS
RAVINDRA KALYAN SAPKAL AND ANOTHER**

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Mr.Suresh P. Salgar holding for Mr.N.V.
Gaware, Advocate for applicants
Mr.S.P. Katneshwarkar, Advocate for
respondent – Ravindra Sapkal.

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**CORAM: V.L. ACHLIYA, J.
DATE : 19.07.2019**

ORAL ORDER:

All these applications are filed seeking condonation of 39 days delay in filing appeals for the reasons set out in detail in the applications.

2. Heard learned counsel for the applicants/appellants and counsel representing non-applicant no.1 in Civil Application Nos.9008/2018 and non-applicant nos.2 in Civil Application Nos.9010/2018 and 9012/2018. Other respondents though served absent.

3. In brief, it is the contention of learned counsel for the applicants that the delay caused in filing the appeals was not deliberate and intentional and occurred due to time consumed for collecting the necessary copies of the documents. It is submitted that in case the delay is not condoned, there is every likelihood that the meritorious matters may be rejected for technical reason. On the contrary, if the delay is condoned, no serious prejudice would cause to respondents.

4. Mr.S.P. Katneshwarkar, learned counsel for respondent opposed the applications with contention that the reasons assigned are false and concocted and by way of after thought. It is submitted that the reasons assigned are not sufficient to condone the delay.

5. Having considered the submissions advanced in the light of cause assigned for condonation of delay and pleadings made in the applications, which remain uncontroverted and unchallenged, I am of the view that the delay deserves to be condoned. If the delay

is condoned, no serious prejudice would cause to respondents as the appeal will be decided on merit. On the contrary, if the delay is not condoned, there is every likelihood that the meritorious matter may be rejected for technical reasons. I am therefore inclined to allow the applications. Accordingly, the applications are allowed in terms of prayer clause "A" in respective applications. The delay condoned. Appeals be registered, subject to removal of office objections.

6. Learned S.P. Katneshwarkar, learned counsel waives notice for respondent – Ravindra Sapkal.

7. The Civil Applications be marked as disposed of.

8. List the appeals for admission on 30th July, 2019.

[V.L. ACHLIYA]
JUDGE

SGA