

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

935 CIVIL APPLICATION NO.5128 OF 2015
IN
FAST/10989/2015
WITH
CA/5129/2015
IN
FAST/10989/2015
WITH
CA/7823/2018 IN FAST/10989/2015

THE EXECUTIVE ENGINEER KHADAK PURNA
PROJECT DEULGAON RAJA AND ORS.
VERSUS
MADHAV MAROTI BANGALE

.....

Mr. S.B.Deshpande, Advocate for Applicants.

Mr. B.N.Palve, Advocate for R – 1.

.....

CORAM : V.L.ACHLIYA, J.

DATE : 19/03/2019

.....

ORAL ORDER :

1. The applicant/appellant has moved this application seeking condonation of 243 days delay in filing the appeal.
2. Heard learned counsel for applicants and learned counsel representing the respondents/claimants.
3. In brief, it is the contention of learned counsel for applicants that the delay caused in filing the appeal was on account of procedural compliance and the same was not deliberate. It is submitted that the applicants have good case to succeed in appeal. In case delay is not condoned, there is likelihood that the meritorious matter

can be likely to be rejected for technical reasons.

4. On the other hand, learned counsel for respondents opposed the application with contention that no sufficient cause has been shown to condone the delay in filing the application.

5. Considering the submissions advanced in light of reasons assigned for condoning the delay and as the pleadings made in the application remains unchallenged, I am inclined to allow the application.

6. The application is allowed in terms of prayer clause 'A' and 'B'. Delay is condoned. Appeal be registered.

7. Learned counsel for respondents waives notice of appeal for the respondents.

8. List the appeal for admission on 04/04/2019.

9. S.O. 04/04/2019.

[V.L.ACHLIYA]
JUDGE

KNP.