

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

932 CIVIL APPLICATION NO.6873 OF 2012  
IN SAST/12790/2012 WITH CA/6874/2012  
IN SAST/12790/2012

BABASAHEB SARJERAO SULE AND ORS  
VERSUS  
SHASHIKALA HAUSRAO KHEDKAR AND ORS

...  
Mr. N.C.Garud, Advocate for  
applicants.

Mr. V.P.Latange, Advocate for R – 1.

...  
**CORAM : V.L. ACHLIYA, J.**  
**DATE : 06/12/2019**

...  
**ORAL ORDER:**

1. The applicants have moved this application for condonation of 48 days delay in filing Appeal.

2. Heard learned counsel for applicants and respondent No. 1. Respondent Nos. 2 to 4 though served, absent.

3. Learned counsel for applicants submits that the delay caused in filing Appeal can not be termed as deliberate and intentional. It is submitted that the Advocate representing appellant before first appellate Court has not communicated the decision in the case. After receiving the knowledge of decision, the applicants immediately moved

application for certified copy. In the process there is delay of 48 days caused in filing Appeal.

4. On the other hand, learned counsel for respondent No. 1 opposed the application with contention that the delay has not been properly explained and the cause assigned can not be accepted as sufficient cause to condone the delay.

5. On due consideration of the submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application, I am of the view the delay deserves to be condoned. The delay caused is not inordinate delay. The reasons assigned are sufficient to condone delay in filing Appeal. I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered.

6. Civil application disposed of in above terms.

**[V.L.ACHLIYA]**  
**JUDGE**

KNP