

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

**CIVIL APPLICATION NO.6595 OF 2019
IN SAST/13322/2019**

CHANDAN SATISH TOSHNIWAL
VERSUS
LEELA MARUTI BIRHADE

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Mr.R.F. Totala, Advocate for the applicant.
K.B. Jadhav holding for Mr. S.B. Bhapkar,
Advocate for respondent.

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CORAM: V.L. ACHLIYA, J.
DATE : 04.07.2019

ORAL ORDER:

The present application is filed seeking condonation of 25 days delay in filing the appeal.

2. Heard learned counsel for the applicant/appellant and respondent.

3. Perused the application. In brief, it is the contention of learned counsel for applicant that the delay caused in filing the appeal was not deliberate and intentional. It is submitted that the delay of 25 days was caused to collect the certified copies as advised by the Advocate and then to arrange

funds to prefer the appeal.

4. On the other hand, learned counsel for respondent opposed the application with contention that the cause assigned in the application is not sufficient to condone the delay. He submits that the reasons assigned are concocted and by way of after thought.

5. Considering the submissions advanced in the light of reasons assigned to condone the delay, which remains uncontraverted and unchallenged, and the broad principles laid down by the Apex Court in the case of *Esha Bhattarjee v. Managing Committee of Raghunathpur Nafar Academy & others* reported in (2013) 12 SCC 649, I am of the view that the delay deserves to be condoned. In case the delay is condoned, no serious prejudice would be caused to the respondent. Accordingly, the application is allowed. The delay condoned. Appeal be registered. Office objections be removed within three weeks from registration of appeal.

6. Appeal be listed for admission on 23rd July, 2019. Mr.K.B. Jadhav holding for Mr.S.B. Bhapkar, learned counsel waives notice of admission of appeal.

[V.L. ACHLIYA]
JUDGE

SGA