

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

**9 CIVIL APPLICATION NO.8683 OF 2019  
IN SAST/13923/2019 WITH CA/8682/2019 IN  
SAST/13923/2019**

BHAUSAHEB BABURAO LOKHANDE  
VERSUS  
SITA BHAUSAHEB LOKHANDE

...

Mr.V.P. Latange, Advocate for applicant  
Mr.S.K. Chavan, Advocate for respondent.

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**CORAM: V.L. ACHLIYA,J.**  
**DATE : 26.08.2019**

**ORAL ORDER:**

The applicant/appellant has moved this application seeking condonation of delay of 175 days in filing the second appeal for the reasons set out in detail in the application.

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

3. In brief, it is the contention of learned counsel for the applicant/appellant that the delay caused in filing the appeal was not deliberate and intentional. It is submitted that the applicant is a poor person. Due to drought condition, the

applicant left the village for labour work. When he returned to his village and contacted the Advocate, he came to know about the decision in the case. Thereafter, the applicant has taken steps to secure the copies and to present the appeal. In the process, there was delay of 175 days in filing the appeal. It is submitted that the applicant/appellant has good case to succeed on merit. If the delay is not condoned, the serious prejudice would cause to the applicant/appellant.

4. Learned counsel for the respondent opposed the application on the ground that the cause assigned cannot be termed as sufficient cause to condone the delay. It is submitted that the reasons assigned are false and concocted.

5. Considering the submissions advanced in the light of reasons assigned to condone the delay, which remains uncontroverted and unchallenged, I am of the view that the delay deserves to be condoned. In case, the delay is condoned, no serious prejudice would cause to the respondent. If the delay is condoned,

the case will be decided on its own merit. I am therefore inclined to allow the application, subject to cost of Rs.2,000/- to be paid by the applicant to the respondent. Cost be deposited within two weeks from today. On deposit of cost, the appeal be registered. In the event, the cost is deposited, the respondent is granted liberty to withdraw the same.

6. The application is disposed of in above terms.

7. Interim order of maintaining status-quo will remain in operation for three weeks from today.

8. List the appeal for admission on 18<sup>th</sup> September, 2019.

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

SGA