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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

928 CIVIL APPLICATION NO.7183 OF 2019
IN SAST/15406/2019

DROPADABAI MAROTI GEDAM, DIED, THROUGH L.RS. MADHUKAR
MAROTI GEDAM AND OTHERS
VERSUS
ARVIND SURYABHAN KADAM

...

Advocate for Applicants : Shri Deshmukh Umakant B.
Respondent served.

CORAM: V.L. ACHLIYA, J.

DATE: 30.08.2019

PER COURT :

1] Heard learned counsel for the applicants. None appears for respondent though served.

2] The applicants have moved this application for condonation of 161 days delay in filing appeal for the reasons set out in detail in the application.

3] It is submitted that the delay caused in filing appeal was not deliberate and intentional. It is submitted that the applicants are labours and most of the time they visit neighbouring States in search of work. The decision in the case could not be communicated to them as they had left their ordinary place of residence

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in search of labour work in the neighbouring State. It is submitted that the applicants have a good case to succeed in the appeal. In case delay is not condoned, there is every likelihood that a meritorious case may be rejected for technical reason.

4] In spite of service, respondent failed to appear.

5] On due consideration of submissions advanced in the light of unchallenged and un-controverted pleadings made in the application, the application deserves to be allowed.

6] Accordingly, the application is allowed in terms of prayer clause (B). Delay condoned. Appeal be registered.

(V.L. ACHLIYA, J.)