

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

957 CIVIL APPLICATION NO.9274 OF 2019
IN SAST/22399/2018

RAJESHWAR BAPURAO PATIL
VERSUS
MAHADU BHIMRAO NARWATE

...

Advocate for Applicant : Shri Katneshwarkar S.P.
Advocate for Respondent : Shri V.V. Bhavthankar

CORAM: V.L. ACHLIYA, J.

DATE: 23.08.2019

PER COURT :

1] This application is filed seeking condonation of 283 days delay for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant and respondent.

3] Learned counsel for the applicant submits that the delay caused in filing appeal was not deliberate, but was on account of completing the requirements for filing appeal. It is submitted that the applicant is a poor person and on account of drought condition in the region for last 2/3 years, the applicant could not arrange for

- 2 -

the funds to file appeal.

4] On the other hand, learned counsel for the respondent opposed the application with contention that the reasons assigned are false, concocted and made with a view to anyhow assign reason for condonation of delay. It is submitted that the reasons assigned cannot be termed as sufficient cause to condone 283 days in filing appeal.

5] On due consideration of the submissions advanced in the light of the cause assigned and the consequences to follow if delay is not condoned, I am of the view that the delay deserves to be condoned. In case delay is condoned, no serious prejudice would be caused to respondent. Prejudice if any caused to respondent can be compensated in terms of money. I am, therefore, inclined to allow the application subject to costs of Rs.5,000/- payable by the applicant to the respondent.

6] Accordingly, the application is allowed in terms of prayer clause (B) subject to deposit of costs of Rs.5,000/- in this Court within three weeks, payable by the applicant to the respondent. In case such amount is deposited, the respondent is permitted to withdraw the

- 3 -

amount. On deposit of the amount, the appeal be registered and placed for admission. On failure to deposit the amount within three weeks, the order condoning delay shall stand recalled and the application for condonation shall stand dismissed.

7] The application is disposed of in above terms.

(V.L. ACHLIYA, J.)