

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

**CIVIL APPLICATION NO.4428 OF 2019
IN SAST/24315/2018**

GOVIND AMBADAS GAWALI
VERSUS
SONALI GOVIND GAWALI

...

Mr.Yogesh Kale holding for Mr.R.R. Karpe,
Advocate for the applicant.
Mr.V.S. Bedre, Advocate for Respondent.

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CORAM: V.L. ACHLIYA,J.
DATE : 21.06.2019

ORAL ORDER:

This application is filed for condonation of 68 days delay in filing the appeal for the reasons set out in detail in the application.

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

3. In brief it is the contention of learned counsel for the applicant/appellant that the delay caused in filing the appeal was caused due to communication gap between the applicant and his Advocate. He is residing in remote area and therefore, he could not contact immediately to the

Advocate. After receiving the information about the decision of the case, the applicant collected the necessary documents and approached the Advocate for filing the appeal at Aurangabad. In this process, there was delay of 68 days in filing the appeal. In this background, learned counsel submits that the delay deserves to be condoned.

4. Learned counsel for the respondent opposed the application with the contention that the cause assigned for condonation of delay are false and concocted and by way of after thought.

5. Considering the overall submissions advanced and the cause assigned for condonation of delay remain uncontroverted, I am of the view that delay deserves to be condoned. In case the delay is condoned, no prejudice would caused to the respondent. On the other hand if delay is not condoned serious prejudice may caused to applicant and possibility of meritorious matter may be dismissed for technical reason cannot be ruled out. I am therefore inclined to allow the application. Accordingly, the application

is allowed in terms of prayer clauses "A" and "B". The delay condoned. Appeal be registered. Office objection be removed within two weeks from registration of appeal.

6. List the Second Appeal for admission.

7. Stand over to 29th July, 2019.

[V.L. ACHLIYA]
JUDGE

SGA