

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

915 CIVIL APPLICATION NO.1068 OF 2018
IN FIRST APPEAL STAMP NO.26992 OF 2017

SUNIL MADHUKAR RANDIVE
VERSUS
MURLIDHAR RAMBHAU UMAP & ANOTHER

...
Advocate for Applicant : Mr.C.V.Bodkhe h/f.
Mr.R.V.Gore.
Advocate for the respondent no.2 :
Mr.S.R.Bodade.
...

CORAM : V.L.ACHLIYA,J.
DATE : 19.12.2019

PER COURT:

1] The applicant has moved this application seeking condonation of 162 days delay in filing Appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant and the respondent no.2.

3] In brief, it is the contention of the learned counsel for the applicant that delay caused in filing Appeal cannot be termed as deliberate and intentional. It is submitted that after receipt of the compensation awarded by the Tribunal, the

applicant could arrange to file an Appeal. In the process, delay of 162 days has been caused in filing Appeal.

4] On the other hand, learned counsel for the respondent no.2 opposed the application with contention that the reasons assigned are false and concocted and cannot be accepted as sufficient cause to condone delay in filing Appeal.

5] On due consideration of the submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application, I am of the view that delay deserves to be condoned. If the delay is condoned, no serious prejudice would be caused to the respondents. Accordingly, the application is allowed in terms of prayer clause-B. Delay is condoned. Appeal be registered subject to removal of office objection.

6] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE