

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

950 CIVIL APPLICATION NO.13084 OF 2019
IN SAST/31441/2019
WITH CA/13085/2019
IN SAST/31441/2019

VISHNUDAS DNYANOBA PADILE AND OTHERS
VERSUS
BHANUDAS NIVRUTTI GURAME

...
Mr.S.S.Manale , Advocate for applicants.
Mr. Sayyad Tausef h/f Mr. Ajinkya Reddy,
Advocate for Respondents.

...
CORAM: V.L. ACHLIYA,J.
DATE : 22/11/2019

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ORAL ORDER:

1. The application is moved for condonation of 18 days delay in filing Second Appeal. By consent, the application is taken for hearing.
2. In brief, it is the contention of learned counsel for applicants that delay of 18 days was occurred due to the reason that the applicants could not arrange the money for filing Appeal due to drought condition prevailing since last 3 years. In the process, delay of 18 days has been caused in filing Appeal. It is submitted that if delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reason.

3. On the other hand, learned counsel for respondent opposed the application with contention that the cause assigned can not be treated as sufficient cause.

4. On due consideration of the submissions advanced in the light of reasons pleaded in the application which remains unchallenged, uncontroverted, I am of the view the delay deserves to be condoned. In case delay is condoned, no prejudice would be caused to the respondents. If delay is not condoned, there is likelihood that Appeal may be rejected for technical reason. In that view the delay deserves to be condoned. I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered after removing office objections and place for admission on 04/12/2019.

5. Civil application disposed of.

[V.L.ACHLIYA]
JUDGE