

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

938 CIVIL APPLICATION NO.1283 OF 2016
IN FAST/33354/2015
WITH CA/1284/2016 IN FAST/33354/2015

VISHWAMBHAR GOPALRAO PETHE AND ANR.
VERSUS
SUMAN JAGANNATH PAWAR AND ORS

...
Advocate for Applicants : Shri M.M.Ambhore h./f.
Shri Pratap G. Rodge
Advocate for Respondent Nos.1 & 2 : Shri Fayaz K. Patel
Advocate for Respondent No.3 : Shri S.G. Chapalgaonkar
Advocate for Respondent No.4 : Shri V.N.Upadhye

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CORAM : P.R.BORA, J.

DATE: 22nd February, 2019

PER COURT:-

- 1 Heard learned Counsel appearing for the parties.
- 2 Though, the learned Counsel appearing for the respondents have opposed for condoning the delay stating that huge delay of 551 days has not been appropriately explained, after going through the contents of the application, I am satisfied that the reasons, as are assigned for condoning delay, cannot be outrightly rejected. It appears to me that the applicants need to be given an opportunity to prosecute their appeals on merits. Therefore, I am inclined to allow the present application. Hence, the following order is passed:-

ORDER

- I) Civil Application No.1283 of 2016 is allowed and disposed of.

II) The appeal be registered in accordance with law.

III) After registration of appeal, issue notice to the respondents, returnable on 22.03.2019. Shri F.K.Patel, learned Counsel waives service of notice for respondent Nos.1 and 2. Shri S.G.Chapalgaonkar, learned Counsel waives service of notice for respondent No.3. Shri V.N.Upadhye, learned Counsel waives notice for respondent No.4. Service complete.

IV) List the appeal for further consideration on 22.03.2019.

V) Till then no coercive recovery be made against the present appellants.

VI) Call Record and Proceedings.

(P.R.BORA)
JUDGE

SPT