

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

**CIVIL APPLICATION NO.3723 OF 2019
IN SAST/35011/2018 WITH CA/3724/2019 IN
SAST/35011/2018**

SHARDABAI ANILPRASAD JAISWAL AND OTHERS
VERSUS
BALIRAM GULABCHAND PARIWALE AND OTHERS

...

Mr.Kshirsagar holding for Mr.A.S. Deshpande,
Advocate for the applicants.
Mr.Imran Khan holding for Mr.S.S. Kazi,
Advocate for Respondent Nos.1 to 3.

...

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

ORAL ORDER:

The applicants have preferred this application for condonation of 36 days delay in filing Second Appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicants and the respondents.

3. In brief it is the contention of learned counsel for the applicants/appellants that the delay caused in filing the appeal was mainly due to time spent in securing the copy of judgment and order of trial Court as

well as for arranging the money to file appeal. He submits that the delay caused in filing the appeal was not deliberate and intentional. In case the delay is not condoned, there is every likelihood that serious prejudice may be caused to the applicants and they may require to suffer serious consequences. On the other hand, if the delay is condoned, no serious prejudice would be caused to the respondents as the appeal will be decided on merit.

4. Learned counsel for the respondents opposed the application with the contention that no sufficient cause has been shown to condone the delay caused in filing the appeal. The reasons assigned for condonation of delay are false and concocted.

5. Considering the overall submissions advanced in the light of uncontroverted pleadings made in the application, I am of the view that case is made out to condone the delay. In case the delay is condoned, no prejudice would be caused to the respondents. The merit of the matter could be looked into at the time of admission. I am therefore

inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause "B". The delay condoned. Appeal be registered. Office objections be removed within two weeks from registration of appeal.

6. List the Second Appeal for admission on 24th July, 2019.

[V.L. ACHLIYA]
JUDGE

SGA