

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

923 CIVIL APPLICATION NO.14979 OF 2018
IN SAST/37108/2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

M/S. BALAJI CONSTRUCTION THROUGH PROPRIETOR-BABA M.
MOHITE

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AGP for Applicants : Shri A.P. Basarkar

Advocate for Respondent : Shri K.N. Shermale

CORAM: V.L. ACHLIYA, J.

DATE: 02.08.2019

PER COURT :

1] The applicants have moved this application seeking condonation of delay of 30 days in filing second appeal.

2] Heard learned AGP for the applicants and learned counsel for the respondent.

3] In brief, it is the contention of learned AGP representing the applicants that the delay caused in filing appeal had primarily occurred due to the time spent in securing copies and fulfilling requirements in filing appeal. It is submitted that the applicants have a good case to succeed in the appeal. In case delay is

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not condoned, there is every likelihood that meritorious matter may be rejected for technical reason.

4] On the other hand, the learned counsel for the respondent strongly opposed the application with contention that the cause assigned for condonation of delay cannot be treated as sufficient cause to condone the delay. It is submitted that the reasons assigned are false and concocted. It is further submitted that there is no merit in the appeal.

5] Considering the submissions advanced in the light of facts of the case and reasons assigned to condone delay of only 30 days, I am of the view that the delay deserves to be condoned.

6] Accordingly, the civil application is allowed. Delay condoned. Appeal be registered and placed for admission on 21.8.2019.

(V.L. ACHLIYA, J.)